

1                   A bill to be entitled  
2           An act relating to child welfare; amending s. 39.01,  
3           F.S.; defining the term "young adult"; amending s.  
4           39.4085, F.S.; providing legislative findings and  
5           intent; specifying the rights of children and young  
6           adults in out-of-home care; providing roles and  
7           responsibilities for the Department of Children and  
8           Families, community-based care lead agencies, and  
9           other agency staff; providing roles and  
10          responsibilities for caregivers; requiring the  
11          department to adopt certain rules; providing  
12          applicability; creating s. 39.4088, F.S.; requiring  
13          the Florida Children's Ombudsman to serve as an  
14          autonomous entity within the department for certain  
15          purposes; providing general roles and responsibilities  
16          for the ombudsman; requiring the ombudsman to collect  
17          certain data; requiring the ombudsman, in consultation  
18          with the department and other specified entities and  
19          by a specified date, to develop standardized  
20          information explaining the rights of children and  
21          young adults placed in out-of-home care; requiring the  
22          department, community-based care lead agencies, and  
23          agency staff to use the information provided by the  
24          ombudsman in carrying out specified responsibilities;  
25          requiring the department to establish a statewide

26 toll-free telephone number for the ombudsman;  
27 requiring the department to adopt rules; amending s.  
28 39.6011, F.S.; requiring that a case plan be developed  
29 in a face-to-face conference with a caregiver of a  
30 child under certain circumstances; providing  
31 additional requirements for the content of a case  
32 plan; providing additional requirements for a case  
33 plan when a child is of a certain age and capacity;  
34 requiring the department to provide a copy of the case  
35 plan to the caregiver of a child placed in a licensed  
36 foster home; amending s. 39.604, F.S.; requiring a  
37 caseworker to provide specified information relating  
38 to subsidies that early learning coalitions provide to  
39 caregivers of certain children; amending s. 39.701,  
40 F.S.; providing additional requirements for social  
41 study reports for judicial review; amending s.  
42 409.145, F.S.; providing additional requirements for  
43 caregivers; revising the requirements for records and  
44 information the department and any additional  
45 providers are required to make available to  
46 caregivers; amending s. 409.175, F.S.; revising the  
47 requirements for the licensure and operation of family  
48 foster homes, residential child-caring agencies, and  
49 child-placing agencies; amending s. 409.1753, F.S.;

50 requiring the department to ensure that lead agencies

51 provide caregivers with a contact when the caseworker  
 52 is unavailable; amending s. 409.988, F.S.; providing  
 53 requirements for lead agencies to recruit and retain  
 54 foster homes; amending s. 39.6013, F.S.; conforming a  
 55 cross-reference; providing an effective date.

56  
 57 Be It Enacted by the Legislature of the State of Florida:

58  
 59 Section 1. Subsection (88) is added to section 39.01,  
 60 Florida Statutes, to read:

61 39.01 Definitions.—When used in this chapter, unless the  
 62 context otherwise requires:

63 (88) "Young adult" means an individual who has attained 18  
 64 years of age but who has not attained 21 years of age.

65 Section 2. Section 39.4085, Florida Statutes, is amended  
 66 to read:

67 (Substantial rewording of section. See  
 68 s. 39.4085, F.S., for present text.)

69 39.4085 Rights of children and young adults in out-of-home  
 70 care.—

71 (1) LEGISLATIVE FINDINGS AND INTENT.—

72 (a) The Legislature finds that children and young adults  
 73 in, and transitioning out of, out-of-home care face more  
 74 developmental, psychosocial, and economic challenges than their  
 75 peers outside of the child welfare system, and they are more

76 likely to be unemployed, undereducated, homeless, and dependent  
77 on public assistance; to experience early parenthood; and to  
78 suffer from substance abuse and mental health disorders.

79 (b) The Legislature also finds that emotional trauma,  
80 separation from family, frequent changes in placement, and  
81 frequent changes in school enrollment, as well as being  
82 dependent on the state to make decisions regarding current and  
83 future life options, may contribute to feelings of limited  
84 control over life circumstances for children and young adults in  
85 out-of-home care.

86 (c) The Legislature also recognizes that there are basic  
87 human rights guaranteed to everyone by the United States  
88 Constitution, but children and young adults in out-of-home care  
89 have additional rights that they should be aware of in order to  
90 better advocate for themselves.

91 (d) Therefore, it is the intent of the Legislature to  
92 empower these children and young adults by helping them become  
93 better informed of their rights so they can become stronger  
94 self-advocates.

95 (2) BILL OF RIGHTS.—The department's child welfare system  
96 shall operate with the understanding that the rights of children  
97 and young adults in out-of-home care are critical to their  
98 safety, permanence, and well-being and shall work with all  
99 stakeholders to help such children and young adults become  
100 knowledgeable about their rights and the resources available to

101 them. A child or young adult should be able to remain in the  
102 custody of his or her parents or legal custodians unless a  
103 qualified person exercising competent professional judgment  
104 determines that removal is necessary to protect the child's or  
105 young adult's physical, mental, or emotional health or safety.  
106 Except as otherwise provided in this chapter, the rights of a  
107 child or young adult placed in out-of-home care are:

108 (a) To live in a safe, healthful, and comfortable home  
109 where he or she is treated with respect and provided with  
110 healthful food, appropriate clothing, and adequate storage space  
111 for personal use and where the caregiver is aware of and  
112 understands the child's or young adult's history, needs, and  
113 risk factors and respects his or her preferences for attending  
114 religious services and activities.

115 (b) To be free from physical, sexual, emotional, or other  
116 abuse or corporal punishment. This includes the right to be  
117 placed away from other children or young adults who are known to  
118 pose a threat of harm to him or her because of his or her own  
119 risk factors or those of the other child or young adult.

120 (c) To receive medical, dental, vision, and mental health  
121 services, as needed; to be free of the administration of  
122 psychotropic medication or chemical substances unless authorized  
123 by a parent or the court; and to not be locked in any room,  
124 building, or facility unless placed in a residential treatment  
125 center by court order.

126        (d) To be able to have contact and visitation with his or  
127 her parents, other family members, and fictive kin and to be  
128 placed with his or her siblings and, if not placed together with  
129 his or her siblings, to have frequent visitation and ongoing  
130 contact with his or her siblings, unless prohibited by court  
131 order.

132        (e) To be able to contact the Florida Children's  
133 Ombudsman, as described in s. 39.4088, regarding violations of  
134 rights; to speak to the ombudsman confidentially; and to be free  
135 from threats or punishment for making complaints.

136        (f) To maintain a bank account and manage personal income,  
137 consistent with his or her age and developmental level, unless  
138 prohibited by the case plan, and to be informed about any funds  
139 being held in the master trust on behalf of the child or young  
140 adult.

141        (g) To attend school and participate in extracurricular,  
142 cultural, and personal enrichment activities consistent with his  
143 or her age and developmental level and to have social contact  
144 with people outside of the foster care system, such as teachers,  
145 church members, mentors, and friends.

146        (h) To attend independent living program classes and  
147 activities if he or she meets the age requirements and to work  
148 and develop job skills at an age-appropriate level that is  
149 consistent with state law.

150        (i) To attend all court hearings and address the court.

151 (j) To have fair and equal access to all available  
152 services, placement, care, treatment, and benefits, and to not  
153 be subjected to discrimination on the basis of race, national  
154 origin, color, religion, sex, mental or physical disability,  
155 age, or pregnancy.

156 (k) If he or she is 14 years of age or older or, if  
157 younger, is of an appropriate age and capacity, to participate  
158 in creating and reviewing his or her case plan, to receive  
159 information about his or her out-of-home placement and case  
160 plan, including being told of changes to the plan, and to have  
161 the ability to object to provisions of the case plan.

162 (l) If he or she is 16 years of age or older, to have  
163 access to existing information regarding the educational and  
164 financial assistance options available to him or her, including,  
165 but not limited to, the coursework necessary for vocational and  
166 postsecondary educational programs, postsecondary educational  
167 services and support, the Keys to Independence program, and the  
168 tuition waiver available under s. 1009.25.

169 (m) To not be removed from an out-of-home placement by the  
170 department or a community-based care lead agency unless the  
171 caregiver becomes unable to care for the child or young adult,  
172 the child or young adult achieves permanency, or the move is  
173 otherwise in the child's or young adult's best interest and, if  
174 moved, the right to a transition that respects his or her  
175 relationships and personal belongings under s. 409.145.

176 (n) To have a guardian ad litem appointed to represent his  
 177 or her best interests and, if appropriate, an attorney appointed  
 178 to represent his or her legal interests.

179 (3) ROLES AND RESPONSIBILITIES OF THE DEPARTMENT,  
 180 COMMUNITY-BASED CARE LEAD AGENCIES, AND OTHER AGENCY STAFF.—

181 (a) The department shall develop training related to the  
 182 rights of children and young adults in out-of-home care under  
 183 this section. All child protective investigators, case managers,  
 184 and other appropriate staff must complete annual training  
 185 relating to these rights.

186 (b) The caseworker or other appropriate agency staff shall  
 187 provide a copy of this bill of rights to all children and young  
 188 adults entering out-of-home care, and the caseworker or other  
 189 agency staff shall explain the bill of rights to the child or  
 190 young adult in a manner the child or young adult can understand.  
 191 Such explanation must occur in a manner that is the most  
 192 effective for each individual and must use words and terminology  
 193 that make sense to the child or young adult. If a child or young  
 194 adult has cognitive, physical, or behavioral challenges that  
 195 would prevent him or her from fully comprehending the bill of  
 196 rights as presented, such information must be documented in the  
 197 case record.

198 (c) The caseworker or other agency staff shall document in  
 199 court reports and case notes the date he or she reviewed the  
 200 bill of rights in age-appropriate language with the child or

201 young adult.

202 (d) The bill of rights must be reviewed with the child or  
203 young adult by appropriate staff upon entry into out-of-home  
204 care and must be subsequently reviewed with the child or young  
205 adult every 6 months until the child leaves care and upon every  
206 change in placement. Each child or young adult must be given the  
207 opportunity to ask questions about any of the rights that he or  
208 she does not clearly understand.

209 (e) Facilities licensed to care for six or more children  
210 and young adults in out-of-home care must post information about  
211 the rights of these individuals in a prominent place in the  
212 facility.

213 (4) ROLES AND RESPONSIBILITIES OF CAREGIVERS.—All  
214 caregivers must ensure that a child or young adult in their care  
215 is aware of and understands his or her rights under this section  
216 and must assist the child or young adult in contacting the  
217 Florida Children's Ombudsman, if necessary.

218 (5) RULEMAKING.—The department shall adopt rules to  
219 implement this section.

220 (6) APPLICABILITY.—This section may not be used for any  
221 purpose in any civil or administrative action and does not  
222 expand or limit any rights or remedies provided under any other  
223 law.

224 Section 3. Section 39.4088, Florida Statutes, is created  
225 to read:

226 39.4088 Florida Children's Ombudsman.—The Florida  
 227 Children's Ombudsman shall serve as an autonomous entity within  
 228 the department for the purpose of providing children and young  
 229 adults who are placed in out-of-home care with a means to  
 230 resolve issues related to their care, placement, or services  
 231 without fear of retribution. The ombudsman shall have access to  
 232 any record of a state or local agency which is necessary to  
 233 carry out his or her responsibilities and may meet or  
 234 communicate with any child or young adult in the child's or  
 235 young adult's placement or elsewhere.

236 (1) GENERAL ROLES AND RESPONSIBILITIES OF THE OMBUDSMAN.—  
 237 The ombudsman shall:

238 (a) Disseminate information on the rights of children and  
 239 young adults in out-of-home care under s. 39.4085 and the  
 240 services provided by the ombudsman.

241 (b) Attempt to resolve a complaint informally.

242 (c) Conduct whatever investigation he or she determines is  
 243 necessary to resolve a complaint.

244 (d) Update the complainant on the progress of the  
 245 investigation and notify the complainant of the final outcome.

246

247 The ombudsman may not investigate, challenge, or overturn court-  
 248 ordered decisions.

249 (2) DATA COLLECTION.—The ombudsman shall:

250 (a) Document the number, source, origin, location, and

251 nature of all complaints.

252 (b) Compile all data collected over the course of the  
253 year, including, but not limited to, the number of contacts to  
254 the toll-free telephone number; the number of complaints made,  
255 including the type and source of those complaints; the number of  
256 investigations performed by the ombudsman; the trends and issues  
257 that arose in the course of investigating complaints; the number  
258 of referrals made to the ombudsman; and the number of pending  
259 complaints.

260 (c) Transmit the compiled data to the department, which  
261 the department must post on its website.

262 (3) DEVELOPMENT AND DISSEMINATION OF INFORMATION.—

263 (a) By January 1, 2021, the ombudsman, in consultation  
264 with the department, children's advocacy and support groups, and  
265 current or former children and young adults in out-of-home care,  
266 shall develop standardized information explaining the rights  
267 granted under s. 39.4085. The information must be age-  
268 appropriate, reviewed and updated by the ombudsman annually, and  
269 made available through a variety of formats.

270 (b) The department, community-based care lead agencies,  
271 and other agency staff must use the information provided by the  
272 ombudsman to carry out their responsibilities to inform children  
273 and young adults in out-of-home care of their rights pursuant to  
274 the duties established under s. 409.145. For purposes of this  
275 paragraph, the term "other agency staff" means persons

276 contracting with a community-based lead care agency to provide  
 277 services under this chapter.

278 (c) The department shall establish a statewide toll-free  
 279 telephone number for the ombudsman and post the number on the  
 280 homepage of the department's website.

281 (4) RULEMAKING.—The department shall adopt rules to  
 282 implement this section.

283 Section 4. Present subsections (4) through (9) of section  
 284 39.6011, Florida Statutes, are renumbered as subsections (5)  
 285 through (10), respectively, paragraph (a) of subsection (1) and  
 286 paragraph (c) of present subsection (7) of that section are  
 287 amended, paragraph (f) is added to subsection (2) of that  
 288 section, and a new subsection (4) is added to that section, to  
 289 read:

290 39.6011 Case plan development.—

291 (1) The department shall prepare a draft of the case plan  
 292 for each child receiving services under this chapter. A parent  
 293 of a child may not be threatened or coerced with the loss of  
 294 custody or parental rights for failing to admit in the case plan  
 295 of abusing, neglecting, or abandoning a child. Participating in  
 296 the development of a case plan is not an admission to any  
 297 allegation of abuse, abandonment, or neglect, and it is not a  
 298 consent to a finding of dependency or termination of parental  
 299 rights. The case plan shall be developed subject to the  
 300 following requirements:

301 (a) The case plan must be developed in a face-to-face  
302 conference with the parent of the child, any court-appointed  
303 guardian ad litem, and, if appropriate, the child and the  
304 temporary custodian or caregiver of the child.

305 (2) The case plan must be written simply and clearly in  
306 English and, if English is not the principal language of the  
307 child's parent, to the extent possible in the parent's principal  
308 language. Each case plan must contain:

309 (f) If the child has attained 14 years of age or, if  
310 younger, is otherwise of an appropriate age and capacity:

311 1. A document that describes the rights of children and  
312 young adults in out-of-home care under s. 39.4085 and the right  
313 to be provided with the documents pursuant to s. 39.701.

314 2. A signed acknowledgment by the child, or the caregiver  
315 if the child is too young or otherwise unable to sign, that the  
316 child has been provided with a copy of the document and that the  
317 rights contained in the document have been explained to the  
318 child in a way that he or she understands.

319 3. Documentation that a consumer credit report for the  
320 child was requested from all three credit reporting agencies  
321 pursuant to federal law at no charge to the child and that any  
322 results were provided to the child. The case plan must include  
323 documentation of any barriers to obtaining the credit reports.  
324 If the consumer credit report reveals any accounts, the case  
325 plan must detail how the department ensured the child received

326 assistance with interpreting the credit report and resolving any  
327 inaccuracies, including any referrals made for such assistance.

328 (4) If the child has attained 14 years of age or, if  
329 younger, is of an appropriate age and capacity, he or she must:

330 (a) Be consulted on the development of the case plan; have  
331 the opportunity to attend a face-to-face conference, if  
332 appropriate; have the opportunity to express a placement  
333 preference; and have the option to choose two members for the  
334 case planning team who are not a foster parent or caseworker for  
335 the child.

336 1. A person selected by a child to be a member of the case  
337 planning team may be rejected at any time if there is good cause  
338 to believe that the person would not act in the best interest of  
339 the child. One person selected by a child to be a member of the  
340 his or her case planning team may be designated to act as the  
341 child's advisor and, as necessary, advocate with respect to the  
342 application of the reasonable and prudent parent standard to the  
343 child.

344 2. The child may not be included in any aspect of case  
345 plan development if information could be revealed or discussed  
346 which is of a nature that would best be presented to the child  
347 in a therapeutic setting.

348 (b) Sign the case plan, unless there is reason to waive  
349 the child's signature.

350 (c) Receive an explanation of the provisions of the case

351 plan from the department.

352 (d) After the case plan is agreed on and signed by all  
353 parties, and after jurisdiction attaches and the case plan is  
354 filed with the court, be provided a copy of the case plan within  
355 72 hours before the disposition hearing.

356 (8)~~(7)~~ After the case plan has been developed, the  
357 department shall adhere to the following procedural  
358 requirements:

359 (c) After the case plan has been agreed upon and signed by  
360 the parties, a copy of the plan must be given immediately to the  
361 parties, including the child if appropriate, the caregiver if  
362 the child is placed in a licensed foster home, and to other  
363 persons as directed by the court.

364 1. A case plan must be prepared, but need not be submitted  
365 to the court, for a child who will be in care no longer than 30  
366 days unless that child is placed in out-of-home care a second  
367 time within a 12-month period.

368 2. In each case in which a child has been placed in out-  
369 of-home care, a case plan must be prepared within 60 days after  
370 the department removes the child from the home and shall be  
371 submitted to the court before the disposition hearing for the  
372 court to review and approve.

373 3. After jurisdiction attaches, all case plans must be  
374 filed with the court, and a copy provided to all the parties  
375 whose whereabouts are known, not less than 3 business days

376 before the disposition hearing. The department shall file with  
377 the court, and provide copies to the parties, all case plans  
378 prepared before jurisdiction of the court attached.

379 Section 5. Paragraph (c) is added to subsection (3) of  
380 section 39.604, Florida Statutes, to read:

381 39.604 Rilya Wilson Act; short title; legislative intent;  
382 child care; early education; preschool.—

383 (3) REQUIREMENTS.—

384 (c) For children placed in a licensed foster home and who  
385 are required to be enrolled in an early education or a child  
386 care program under this section, the caseworker shall inform the  
387 caregiver of the amount of the subsidy provided by an early  
388 learning coalition, that this amount may not be sufficient to  
389 pay the full cost of the services, and that the caregiver will  
390 be responsible for paying the difference between the subsidy and  
391 the full cost charged by the early education or child care  
392 program.

393 Section 6. Paragraph (a) of subsection (2) and paragraph  
394 (a) of subsection (3) of section 39.701, Florida Statutes, are  
395 amended to read:

396 39.701 Judicial review.—

397 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
398 AGE.—

399 (a) *Social study report for judicial review.*—Before every  
400 judicial review hearing or citizen review panel hearing, the

401 social service agency shall make an investigation and social  
402 study concerning all pertinent details relating to the child and  
403 shall furnish to the court or citizen review panel a written  
404 report that includes, but is not limited to:

405 1. A description of the type of placement the child is in  
406 at the time of the hearing, including the safety of the child  
407 and the continuing necessity for and appropriateness of the  
408 placement.

409 2. Documentation of the diligent efforts made by all  
410 parties to the case plan to comply with each applicable  
411 provision of the plan.

412 3. The amount of fees assessed and collected during the  
413 period of time being reported.

414 4. The services provided to the foster family or legal  
415 custodian in an effort to address the needs of the child as  
416 indicated in the case plan.

417 5. A statement that either:

418 a. The parent, though able to do so, did not comply  
419 substantially with the case plan, and the agency  
420 recommendations;

421 b. The parent did substantially comply with the case plan;  
422 or

423 c. The parent has partially complied with the case plan,  
424 with a summary of additional progress needed and the agency  
425 recommendations.

426           6. A statement from the foster parent or legal custodian  
427 providing any material evidence concerning the return of the  
428 child to the parent or parents.

429           7. A statement concerning the frequency, duration, and  
430 results of the parent-child visitation, if any, and the agency  
431 recommendations for an expansion or restriction of future  
432 visitation.

433           8. The number of times a child has been removed from his  
434 or her home and placed elsewhere, the number and types of  
435 placements that have occurred, and the reason for the changes in  
436 placement.

437           9. The number of times a child's educational placement has  
438 been changed, the number and types of educational placements  
439 which have occurred, and the reason for any change in placement.

440           10. If the child has reached 13 years of age but is not  
441 yet 18 years of age, a statement from the caregiver on the  
442 progress the child has made in acquiring independent living  
443 skills.

444           11. Copies of all medical, psychological, and educational  
445 records that support the terms of the case plan and that have  
446 been produced concerning the parents or any caregiver since the  
447 last judicial review hearing.

448           12. Copies of the child's current health, mental health,  
449 and education records as identified in s. 39.6012.

450           13. Documentation that the rights of children and young

451 adults in out-of-home care, as described in s. 39.4085, have  
452 been provided to and reviewed with the child.

453 14. A signed acknowledgment by the child, or the caregiver  
454 if the child is too young or otherwise unable to sign, stating  
455 that the child has been provided an explanation of the rights  
456 under s. 39.4085.

457 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—

458 (a) In addition to the review and report required under  
459 paragraphs (1)(a) and (2)(a), respectively, the court shall hold  
460 a judicial review hearing within 90 days after a child's 17th  
461 birthday. The court shall also issue an order, separate from the  
462 order on judicial review, that the disability of nonage of the  
463 child has been removed pursuant to ss. 743.044, 743.045,  
464 743.046, and 743.047, and for any of these disabilities that the  
465 court finds is in the child's best interest to remove. The court  
466 shall continue to hold timely judicial review hearings. If  
467 necessary, the court may review the status of the child more  
468 frequently during the year before the child's 18th birthday. At  
469 each review hearing held under this subsection, in addition to  
470 any information or report provided to the court by the foster  
471 parent, legal custodian, or guardian ad litem, the child shall  
472 be given the opportunity to address the court with any  
473 information relevant to the child's best interest, particularly  
474 in relation to independent living transition services. The  
475 department shall include in the social study report for judicial

476 review written verification that the child has:

477 1. A current Medicaid card and all necessary information  
478 concerning the Medicaid program sufficient to prepare the child  
479 to apply for coverage upon reaching the age of 18, if such  
480 application is appropriate.

481 2. A certified copy of the child's birth certificate and,  
482 if the child does not have a valid driver license, a Florida  
483 identification card issued under s. 322.051.

484 3. A social security card and information relating to  
485 social security insurance benefits if the child is eligible for  
486 those benefits. If the child has received such benefits and they  
487 are being held in trust for the child, a full accounting of  
488 these funds must be provided and the child must be informed as  
489 to how to access those funds.

490 4. All relevant information related to the Road-to-  
491 Independence Program, including, but not limited to, eligibility  
492 requirements, information on participation, and assistance in  
493 gaining admission to the program. If the child is eligible for  
494 the Road-to-Independence Program, he or she must be advised that  
495 he or she may continue to reside with the licensed family home  
496 or group care provider with whom the child was residing at the  
497 time the child attained his or her 18th birthday, in another  
498 licensed family home, or with a group care provider arranged by  
499 the department.

500 5. An open bank account or the identification necessary to

501 open a bank account and to acquire essential banking and  
502 budgeting skills.

503 6. Information on public assistance and how to apply for  
504 public assistance.

505 7. A clear understanding of where he or she will be living  
506 on his or her 18th birthday, how living expenses will be paid,  
507 and the educational program or school in which he or she will be  
508 enrolled.

509 8. Information related to the ability of the child to  
510 remain in care until he or she reaches 21 years of age under s.  
511 39.013.

512 9. A letter providing the dates that the child is under  
513 the jurisdiction of the court.

514 10. A letter stating that the child is in compliance with  
515 financial aid documentation requirements.

516 11. The child's educational records.

517 12. The child's entire health and mental health records.

518 13. The process for accessing his or her case file.

519 14. A statement encouraging the child to attend all  
520 judicial review hearings occurring after the child's 17th  
521 birthday.

522 15. Information on how to obtain a driver license or  
523 learner's driver license.

524 16. Been provided with the rights of children and young  
525 adults in out-of-home care, as described in s. 39.0485, and that

526 | the rights have been reviewed with the child.

527 |       17. Signed an acknowledgment stating that he or she has  
528 | been provided an explanation of the rights or, if the child is  
529 | too young or otherwise unable to sign, that such acknowledgment  
530 | has been signed by the child's caregiver.

531 |       Section 7. Paragraphs (a) and (d) of subsection (2) of  
532 | section 409.145, Florida Statutes, are amended to read:

533 |       409.145 Care of children; quality parenting; "reasonable  
534 | and prudent parent" standard.—The child welfare system of the  
535 | department shall operate as a coordinated community-based system  
536 | of care which empowers all caregivers for children in foster  
537 | care to provide quality parenting, including approving or  
538 | disapproving a child's participation in activities based on the  
539 | caregiver's assessment using the "reasonable and prudent parent"  
540 | standard.

541 |       (2) QUALITY PARENTING.—A child in foster care shall be  
542 | placed only with a caregiver who has the ability to care for the  
543 | child, is willing to accept responsibility for providing care,  
544 | and is willing and able to learn about and be respectful of the  
545 | child's culture, religion and ethnicity, special physical or  
546 | psychological needs, any circumstances unique to the child, and  
547 | family relationships. The department, the community-based care  
548 | lead agency, and other agencies shall provide such caregiver  
549 | with all available information necessary to assist the caregiver  
550 | in determining whether he or she is able to appropriately care

551 for a particular child.

552 (a) *Roles and responsibilities of caregivers.*—A caregiver  
553 shall:

554 1. Participate in developing the case plan for the child  
555 and his or her family and work with others involved in his or  
556 her care to implement this plan. This participation includes the  
557 caregiver's involvement in all team meetings or court hearings  
558 related to the child's care.

559 2. Complete all training needed to improve skills in  
560 parenting a child who has experienced trauma due to neglect,  
561 abuse, or separation from home, to meet the child's special  
562 needs, and to work effectively with child welfare agencies, the  
563 court, the schools, and other community and governmental  
564 agencies.

565 3. Respect and support the child's ties to members of his  
566 or her biological family and assist the child in maintaining  
567 allowable visitation and other forms of communication.

568 4. Effectively advocate for the child in the caregiver's  
569 care with the child welfare system, the court, and community  
570 agencies, including the school, child care, health and mental  
571 health providers, and employers.

572 5. Participate fully in the child's medical,  
573 psychological, and dental care as the caregiver would for his or  
574 her biological child.

575 6. Support the child's educational success by

576 participating in activities and meetings associated with the  
577 child's school or other educational setting, including  
578 Individual Education Plan meetings and meetings with an  
579 educational surrogate if one has been appointed, assisting with  
580 assignments, supporting tutoring programs, and encouraging the  
581 child's participation in extracurricular activities.

582 a. Maintaining educational stability for a child while in  
583 out-of-home care by allowing the child to remain in the school  
584 or educational setting that he or she attended before entry into  
585 out-of-home care is the first priority, unless not in the best  
586 interest of the child.

587 b. If it is not in the best interest of the child to  
588 remain in his or her school or educational setting upon entry  
589 into out-of-home care, the caregiver must work with the case  
590 manager, guardian ad litem, teachers and guidance counselors,  
591 and educational surrogate if one has been appointed to determine  
592 the best educational setting for the child. Such setting may  
593 include a public school that is not the school of origin, a  
594 private school pursuant to s. 1002.42, a virtual instruction  
595 program pursuant to s. 1002.45, or a home education program  
596 pursuant to s. 1002.41.

597 7. Work in partnership with other stakeholders to obtain  
598 and maintain records that are important to the child's well-  
599 being, including child resource records, medical records, school  
600 records, photographs, and records of special events and

601 achievements.

602 8. Ensure that the child in the caregiver's care who is  
603 between 13 and 17 years of age learns and masters independent  
604 living skills.

605 9. Ensure that the child in the caregiver's care is aware  
606 of the requirements and benefits of the Road-to-Independence  
607 Program.

608 10. Work to enable the child in the caregiver's care to  
609 establish and maintain naturally occurring mentoring  
610 relationships.

611 11. Pay the difference between the subsidy from an early  
612 learning coalition and the full cost charged by an early  
613 education or child care program.

614 12. Ensure that the child in the caregiver's care is aware  
615 of and understands his or her rights under s. 39.4085.

616 13. Assist the child in contacting the Florida Children's  
617 Ombudsman, if necessary.

618 (d) *Information sharing.*—Whenever a foster home or  
619 residential group home assumes responsibility for the care of a  
620 child, the department and any additional providers shall make  
621 available to the caregiver as soon as is practicable all  
622 relevant information concerning the child. Records and  
623 information that are required to be shared with caregivers  
624 include, but are not limited to:

625 1. Medical, dental, psychological, psychiatric, and

626 behavioral history, as well as ongoing evaluation or treatment  
627 needs or treatment plans and information on how the caregiver  
628 can support any treatment plan within the foster home;  
629       2. School records;  
630       3. Copies of his or her birth certificate and, if  
631 appropriate, immigration status documents;  
632       4. Consents signed by parents;  
633       5. Comprehensive behavioral assessments and other social  
634 assessments and information on how the caregiver can manage any  
635 behavioral issues;  
636       6. Court orders;  
637       7. Visitation and case plans;  
638       8. Guardian ad litem reports;  
639       9. Staffing forms; and  
640       10. Judicial or citizen review panel reports and  
641 attachments filed with the court, except confidential medical,  
642 psychiatric, and psychological information regarding any party  
643 or participant other than the child.  
644       Section 8. Paragraph (b) of subsection (5) of section  
645 409.175, Florida Statutes, is amended to read:  
646       409.175 Licensure of family foster homes, residential  
647 child-caring agencies, and child-placing agencies; public  
648 records exemption.—  
649       (5) The department shall adopt and amend rules for the  
650 levels of licensed care associated with the licensure of family

651 foster homes, residential child-caring agencies, and child-  
652 placing agencies. The rules may include criteria to approve  
653 waivers to licensing requirements when applying for a child-  
654 specific license.

655 (b) The requirements for licensure and operation of family  
656 foster homes, residential child-caring agencies, and child-  
657 placing agencies shall include:

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

661 2. The provision of food, clothing, educational  
662 opportunities, services, equipment, and individual supplies to  
663 assure the healthy physical, emotional, and mental development  
664 of the children served.

665 3. The appropriateness, safety, cleanliness, and general  
666 adequacy of the premises, including fire prevention and health  
667 standards, to provide for the physical comfort, care, and well-  
668 being of the children served.

669 4. The ratio of staff to children required to provide  
670 adequate care and supervision of the children served and, in the  
671 case of family foster homes, the maximum number of children in  
672 the home.

673 5. The good moral character based upon screening,  
674 education, training, and experience requirements for personnel  
675 and family foster homes.

676           6. The department may grant exemptions from  
677 disqualification from working with children or the  
678 developmentally disabled as provided in s. 435.07.

679           7. The provision of preservice and inservice training for  
680 all foster parents and agency staff.

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

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

686           10. The provision for parental involvement to encourage  
687 preservation and strengthening of a child's relationship with  
688 the family.

689           11. The transportation safety of children served.

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

692           13. Provisions to safeguard the legal rights of children  
693 served, as well as the rights of children and young adults in  
694 out-of-home care established under s. 39.4085.

695           Section 9. Section 409.1753, Florida Statutes, is amended  
696 to read:

697           409.1753 Foster care; duties.—The department shall ensure  
698 that each lead agency provides, ~~within each district,~~ each  
699 foster home with ~~is given~~ a telephone number for the foster  
700 parent to call during normal working hours whenever immediate

701 assistance is needed and the child's caseworker is unavailable.  
702 This number must be staffed and answered by individuals  
703 possessing the knowledge and authority necessary to assist  
704 foster parents.

705 Section 10. Paragraph (1) is added to subsection (1) of  
706 section 409.988, Florida Statutes, to read:

707 409.988 Lead agency duties; general provisions.—

708 (1) DUTIES.—A lead agency:

709 (1) Shall recruit and retain foster homes. In performing  
710 such duty, a lead agency shall:

711 1. Develop a plan to recruit and retain foster homes using  
712 best practices identified by the department and specify how the  
713 lead agency complies with s. 409.1753.

714 2. Annually submit such plan to the department for  
715 approval.

716 3. Provide to the department a quarterly report detailing  
717 the number of licensed foster homes and beds and occupancy rate.

718 4. Conduct exit interviews with foster parents who  
719 voluntarily give up their license to determine the reasons for  
720 giving up their license and identify suggestions for how to  
721 better recruit and retain foster homes, and provide a quarterly  
722 summary of such interviews to the department.

723 Section 11. Subsection (8) of section 39.6013, Florida  
724 Statutes, is amended to read:

725 39.6013 Case plan amendments.—

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726 (8) Amendments must include service interventions that are  
727 the least intrusive into the life of the parent and child, must  
728 focus on clearly defined objectives, and must provide the most  
729 efficient path to quick reunification or permanent placement  
730 given the circumstances of the case and the child's need for  
731 safe and proper care. A copy of the amended plan must be  
732 immediately given to the persons identified in s. 39.6011(8)(c)  
733 ~~s. 39.6011(7)(e)~~.

734 Section 12. This act shall take effect October 1, 2020.