

By the Committee on Children, Families, and Elder Affairs; and  
Senator Simpson

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1                                   A bill to be entitled  
2       An act relating to child welfare; amending s. 25.385,  
3       F.S.; requiring the Florida Court Educational Council  
4       to establish certain standards for instruction of  
5       circuit and county court judges for dependency cases;  
6       requiring the council to provide such instruction on a  
7       periodic and timely basis; creating s. 39.01304, F.S.;  
8       providing legislative intent; providing a purpose;  
9       authorizing circuit courts to create early childhood  
10      court programs; requiring that early childhood court  
11      programs have certain components; defining the term  
12      "therapeutic jurisprudence"; providing requirements  
13      and guidelines for the Office of the State Courts  
14      Administrator when hiring community coordinators and a  
15      statewide training specialist; requiring the  
16      Department of Children and Families to contract with  
17      certain university-based centers; requiring the  
18      university-based centers to hire a clinical director;  
19      amending s. 39.0138, F.S.; requiring the department to  
20      complete background screenings within a specified  
21      timeframe; providing an exception; amending s. 39.301,  
22      F.S.; requiring the department to notify the court of  
23      certain reports; authorizing the department to file  
24      specified petitions under certain circumstances;  
25      amending s. 39.522, F.S.; requiring the court to  
26      consider specified factors when making a certain  
27      determination; authorizing the court or any party to  
28      the case to file a petition to place a child in out-  
29      of-home care under certain circumstances; requiring

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30 the court to consider specified factors when  
31 determining whether the child should be placed in out-  
32 of-home care; requiring the court to evaluate and  
33 change a child's permanency goal under certain  
34 circumstances; amending s. 39.6011, F.S.; revising and  
35 providing requirements for case plan descriptions;  
36 amending s. 39.701, F.S.; requiring the court to  
37 retain jurisdiction over a child under certain  
38 circumstances; requiring specified parties to disclose  
39 certain information to the court; providing for  
40 certain caregiver recommendations to the court;  
41 requiring the court and citizen review panel to  
42 determine whether certain parties have developed a  
43 productive relationship; amending s. 63.092, F.S.;  
44 providing a deadline for completion of a preliminary  
45 home study; creating s. 63.093, F.S.; providing  
46 requirements and processes for the adoption of  
47 children from the child welfare system; creating s.  
48 409.1415, F.S.; providing legislative findings and  
49 intent; requiring the department and community-based  
50 care lead agencies to develop and support  
51 relationships between certain foster families and  
52 legal parents of children; providing responsibilities  
53 for foster parents, birth parents, the department,  
54 community-based care lead agency staff, and other  
55 agency staff; defining the term "excellent parenting";  
56 requiring caregivers employed by residential group  
57 homes to meet specified requirements; requiring the  
58 department to adopt rules; amending s. 409.145, F.S.;

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59 conforming provisions to changes made by the act;  
60 amending s. 409.175, F.S.; revising requirements for  
61 the licensure of family foster homes; requiring the  
62 department to issue determinations for family foster  
63 home licenses within a specified timeframe; providing  
64 an exception; amending s. 409.988, F.S.; authorizing a  
65 lead agency to provide more than 35 percent of all  
66 child welfare services under certain conditions;  
67 requiring a specified local community alliance, or  
68 specified representatives in certain circumstances, to  
69 review and recommend approval or denial of the lead  
70 agency's request for a specified exemption; amending  
71 ss. 39.302, 39.6225, 393.065, and 409.1451, F.S.;  
72 conforming cross-references; providing an effective  
73 date.

74

75 Be It Enacted by the Legislature of the State of Florida:

76

77 Section 1. Section 25.385, Florida Statutes, is amended to  
78 read:

79 25.385 Standards for instruction of circuit and county  
80 court judges ~~in handling domestic violence cases.~~

81 (1) The Florida Court Educational Council shall establish  
82 standards for instruction of circuit and county court judges who  
83 have responsibility for domestic violence cases, and the council  
84 shall provide such instruction on a periodic and timely basis.

85 ~~(2) As used in this subsection, section:~~

86 ~~(a)~~ the term "domestic violence" has the meaning set forth  
87 in s. 741.28.

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88 ~~(b) "Family or household member" has the meaning set forth~~  
89 ~~in s. 741.28.~~

90 (2) The Florida Court Educational Council shall establish  
91 standards for instruction of circuit and county court judges who  
92 have responsibility for dependency cases regarding the benefits  
93 of a secure attachment with a primary caregiver, the importance  
94 of a stable placement, and the impact of trauma on child  
95 development. The council shall provide such instruction to the  
96 circuit and county court judges handling dependency cases on a  
97 periodic and timely basis.

98 Section 2. Section 39.01304, Florida Statutes, is created  
99 to read:

100 39.01304 Early childhood court programs.—

101 (1) It is the intent of the Legislature to encourage the  
102 department, the Department of Health, the Association of Early  
103 Learning Coalitions, and other such agencies; local governments;  
104 interested public or private entities; and individuals to  
105 support the creation and establishment of early childhood court  
106 programs. The purpose of an early childhood court program is to  
107 address the root cause of court involvement through specialized  
108 dockets, multidisciplinary teams, evidence-based treatment, and  
109 the use of a nonadversarial approach. Such programs depend on  
110 the leadership of a judge or magistrate who is educated about  
111 the science of early childhood development and who requires  
112 rigorous efforts to heal children physically and emotionally in  
113 the context of a broad collaboration among professionals from  
114 different systems working directly in the court as a team,  
115 recognizing that the parent-child relationship is the foundation  
116 of child well-being.

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117       (2) A circuit court may create an early childhood court  
118 program to serve the needs of infants and toddlers in dependency  
119 court. An early childhood court program must have all of the  
120 following components:

121       (a) Therapeutic jurisprudence, which must drive every  
122 aspect of judicial practice. The judge or magistrate must  
123 support the therapeutic needs of the parent and child in a  
124 nonadversarial manner. As used in this paragraph, the term  
125 "therapeutic jurisprudence" means the study of how the law may  
126 be used as a therapeutic agent and focuses on how laws impact  
127 emotional and psychological well-being.

128       (b) A procedure for coordinating services and resources for  
129 families who have a case on the court docket. To meet this  
130 requirement, the court may create and fill at least one  
131 community coordinator position pursuant to paragraph (3) (a).

132       (c) A multidisciplinary team made up of key community  
133 stakeholders who commit to work with the judge or magistrate to  
134 restructure the way the community responds to the needs of  
135 maltreated children. The team may include, but is not limited  
136 to, early intervention specialists; mental health and infant  
137 mental health professionals; attorneys representing children,  
138 parents, and the child welfare system; children's advocates;  
139 early learning coalitions and child care providers; substance  
140 abuse program providers; primary health care providers; domestic  
141 violence advocates; and guardians ad litem. The  
142 multidisciplinary team must address the need for children in an  
143 early childhood court program to receive medical care in a  
144 medical home, a screening for developmental delays conducted by  
145 the local agency responsible for complying with part C of the

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146 federal Individuals with Disabilities Education Act, and quality  
147 child care.

148 (d) A continuum of mental health services which includes a  
149 focus on the parent-child relationship and is appropriate for  
150 each child and family served.

151 (3) Contingent upon an annual appropriation by the  
152 Legislature, and subject to available resources:

153 (a) The Office of the State Courts Administrator shall  
154 coordinate with each participating circuit court to create and  
155 fill at least one community coordinator position for the  
156 circuit's early childhood court program. Each community  
157 coordinator shall provide direct support to the program by  
158 coordinating between the multidisciplinary team and the  
159 judiciary, coordinating the responsibilities of the  
160 participating agencies and service providers, and managing the  
161 collection of data for program evaluation and accountability.  
162 The Office of State Courts Administrator may hire a statewide  
163 training specialist to provide training to the participating  
164 court teams.

165 (b) The department shall contract with one or more  
166 university-based centers that have expertise in infant mental  
167 health, and such university-based centers shall hire a clinical  
168 director charged with ensuring the quality, accountability, and  
169 fidelity of the program's evidence-based treatment, including,  
170 but not limited to, training and technical assistance related to  
171 clinical services, clinical consultation and guidance for  
172 difficult cases, and ongoing clinical training for court teams.

173 Section 3. Subsection (1) of section 39.0138, Florida  
174 Statutes, is amended to read

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175 39.0138 Criminal history and other records checks; limit on  
176 placement of a child.-

177 (1) The department shall conduct a records check through  
178 the State Automated Child Welfare Information System (SACWIS)  
179 and a local and statewide criminal history records check on all  
180 persons, including parents, being considered by the department  
181 for placement of a child under this chapter, including all  
182 nonrelative placement decisions, and all members of the  
183 household, 12 years of age and older, of the person being  
184 considered. For purposes of this section, a criminal history  
185 records check may include, but is not limited to, submission of  
186 fingerprints to the Department of Law Enforcement for processing  
187 and forwarding to the Federal Bureau of Investigation for state  
188 and national criminal history information, and local criminal  
189 records checks through local law enforcement agencies of all  
190 household members 18 years of age and older and other visitors  
191 to the home. Background screenings must be completed within 14  
192 business days after the department receives the criminal history  
193 results, unless additional information regarding the criminal  
194 history is required to complete processing. An out-of-state  
195 criminal history records check must be initiated for any person  
196 18 years of age or older who resided in another state if that  
197 state allows the release of such records. The department shall  
198 establish by rule standards for evaluating any information  
199 contained in the automated system relating to a person who must  
200 be screened for purposes of making a placement decision.

201 Section 4. Subsection (1) and paragraph (a) of subsection  
202 (9) of section 39.301, Florida Statutes, are amended to read:  
203 39.301 Initiation of protective investigations.-

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204           (1) (a) Upon receiving a report of known or suspected child  
205 abuse, abandonment, or neglect, or that a child is in need of  
206 supervision and care and has no parent, legal custodian, or  
207 responsible adult relative immediately known and available to  
208 provide supervision and care, the central abuse hotline shall  
209 determine if the report requires an immediate onsite protective  
210 investigation. For reports requiring an immediate onsite  
211 protective investigation, the central abuse hotline shall  
212 immediately notify the department's designated district staff  
213 responsible for protective investigations to ensure that an  
214 onsite investigation is promptly initiated. For reports not  
215 requiring an immediate onsite protective investigation, the  
216 central abuse hotline shall notify the department's designated  
217 district staff responsible for protective investigations in  
218 sufficient time to allow for an investigation. At the time of  
219 notification, the central abuse hotline shall also provide  
220 information to district staff on any previous report concerning  
221 a subject of the present report or any pertinent information  
222 relative to the present report or any noted earlier reports.

223           (b) The department shall promptly notify the court of any  
224 report to the central abuse hotline that is accepted for a  
225 protective investigation and involves a child over whom the  
226 court has jurisdiction.

227           (9) (a) For each report received from the central abuse  
228 hotline and accepted for investigation, the department or the  
229 sheriff providing child protective investigative services under  
230 s. 39.3065, shall perform the following child protective  
231 investigation activities to determine child safety:

232           1. Conduct a review of all relevant, available information



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233 specific to the child and family and alleged maltreatment;  
234 family child welfare history; local, state, and federal criminal  
235 records checks; and requests for law enforcement assistance  
236 provided by the abuse hotline. Based on a review of available  
237 information, including the allegations in the current report, a  
238 determination shall be made as to whether immediate consultation  
239 should occur with law enforcement, the Child Protection Team, a  
240 domestic violence shelter or advocate, or a substance abuse or  
241 mental health professional. Such consultations should include  
242 discussion as to whether a joint response is necessary and  
243 feasible. A determination shall be made as to whether the person  
244 making the report should be contacted before the face-to-face  
245 interviews with the child and family members.

246 2. Conduct face-to-face interviews with the child; other  
247 siblings, if any; and the parents, legal custodians, or  
248 caregivers.

249 3. Assess the child's residence, including a determination  
250 of the composition of the family and household, including the  
251 name, address, date of birth, social security number, sex, and  
252 race of each child named in the report; any siblings or other  
253 children in the same household or in the care of the same  
254 adults; the parents, legal custodians, or caregivers; and any  
255 other adults in the same household.

256 4. Determine whether there is any indication that any child  
257 in the family or household has been abused, abandoned, or  
258 neglected; the nature and extent of present or prior injuries,  
259 abuse, or neglect, and any evidence thereof; and a determination  
260 as to the person or persons apparently responsible for the  
261 abuse, abandonment, or neglect, including the name, address,

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262 date of birth, social security number, sex, and race of each  
263 such person.

264 5. Complete assessment of immediate child safety for each  
265 child based on available records, interviews, and observations  
266 with all persons named in subparagraph 2. and appropriate  
267 collateral contacts, which may include other professionals. The  
268 department's child protection investigators are hereby  
269 designated a criminal justice agency for the purpose of  
270 accessing criminal justice information to be used for enforcing  
271 this state's laws concerning the crimes of child abuse,  
272 abandonment, and neglect. This information shall be used solely  
273 for purposes supporting the detection, apprehension,  
274 prosecution, pretrial release, posttrial release, or  
275 rehabilitation of criminal offenders or persons accused of the  
276 crimes of child abuse, abandonment, or neglect and may not be  
277 further disseminated or used for any other purpose.

278 6. Document the present and impending dangers to each child  
279 based on the identification of inadequate protective capacity  
280 through utilization of a standardized safety assessment  
281 instrument. If present or impending danger is identified, the  
282 child protective investigator must implement a safety plan or  
283 take the child into custody. If present danger is identified and  
284 the child is not removed, the child protective investigator  
285 shall create and implement a safety plan before leaving the home  
286 or the location where there is present danger. If impending  
287 danger is identified, the child protective investigator shall  
288 create and implement a safety plan as soon as necessary to  
289 protect the safety of the child. The child protective  
290 investigator may modify the safety plan if he or she identifies

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291 additional impending danger.

292 a. If the child protective investigator implements a safety  
293 plan, the plan must be specific, sufficient, feasible, and  
294 sustainable in response to the realities of the present or  
295 impending danger. A safety plan may be an in-home plan or an  
296 out-of-home plan, or a combination of both. A safety plan may  
297 include tasks or responsibilities for a parent, caregiver, or  
298 legal custodian. However, a safety plan may not rely on  
299 promissory commitments by the parent, caregiver, or legal  
300 custodian who is currently not able to protect the child or on  
301 services that are not available or will not result in the safety  
302 of the child. A safety plan may not be implemented if for any  
303 reason the parents, guardian, or legal custodian lacks the  
304 capacity or ability to comply with the plan. If the department  
305 is not able to develop a plan that is specific, sufficient,  
306 feasible, and sustainable, the department shall file a shelter  
307 petition. A child protective investigator shall implement  
308 separate safety plans for the perpetrator of domestic violence,  
309 if the investigator, using reasonable efforts, can locate the  
310 perpetrator to implement a safety plan, and for the parent who  
311 is a victim of domestic violence as defined in s. 741.28.  
312 Reasonable efforts to locate a perpetrator include, but are not  
313 limited to, a diligent search pursuant to the same requirements  
314 as in s. 39.503. If the perpetrator of domestic violence is not  
315 the parent, guardian, or legal custodian of any child in the  
316 home and if the department does not intend to file a shelter  
317 petition or dependency petition that will assert allegations  
318 against the perpetrator as a parent of a child in the home, the  
319 child protective investigator shall seek issuance of an

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320 injunction authorized by s. 39.504 to implement a safety plan  
321 for the perpetrator and impose any other conditions to protect  
322 the child. The safety plan for the parent who is a victim of  
323 domestic violence may not be shared with the perpetrator. If any  
324 party to a safety plan fails to comply with the safety plan  
325 resulting in the child being unsafe, the department shall file a  
326 shelter petition.

327       b. The child protective investigator shall collaborate with  
328 the community-based care lead agency in the development of the  
329 safety plan as necessary to ensure that the safety plan is  
330 specific, sufficient, feasible, and sustainable. The child  
331 protective investigator shall identify services necessary for  
332 the successful implementation of the safety plan. The child  
333 protective investigator and the community-based care lead agency  
334 shall mobilize service resources to assist all parties in  
335 complying with the safety plan. The community-based care lead  
336 agency shall prioritize safety plan services to families who  
337 have multiple risk factors, including, but not limited to, two  
338 or more of the following:

339           (I) The parent or legal custodian is of young age;

340           (II) The parent or legal custodian, or an adult currently  
341 living in or frequently visiting the home, has a history of  
342 substance abuse, mental illness, or domestic violence;

343           (III) The parent or legal custodian, or an adult currently  
344 living in or frequently visiting the home, has been previously  
345 found to have physically or sexually abused a child;

346           (IV) The parent or legal custodian or an adult currently  
347 living in or frequently visiting the home has been the subject  
348 of multiple allegations by reputable reports of abuse or

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349 neglect;

350 (V) The child is physically or developmentally disabled; or

351 (VI) The child is 3 years of age or younger.

352 c. The child protective investigator shall monitor the  
353 implementation of the plan to ensure the child's safety until  
354 the case is transferred to the lead agency at which time the  
355 lead agency shall monitor the implementation.

356 d. The department may file a petition for shelter or  
357 dependency without a new child protective investigation or the  
358 concurrence of the child protective investigator if the child is  
359 unsafe but for the use of a safety plan and the parent or  
360 caregiver has not sufficiently increased protective capacities  
361 within 90 days after the transfer of the safety plan to the lead  
362 agency.

363 Section 5. Subsection (1) of section 39.522, Florida  
364 Statutes, is amended, and subsection (4) is added to that  
365 section, to read:

366 39.522 Postdisposition change of custody.—The court may  
367 change the temporary legal custody or the conditions of  
368 protective supervision at a postdisposition hearing, without the  
369 necessity of another adjudicatory hearing.

370 (1) (a) At any time before a child is residing in the  
371 permanent placement approved at the permanency hearing, a child  
372 who has been placed in the child's own home under the protective  
373 supervision of an authorized agent of the department, in the  
374 home of a relative, in the home of a legal custodian, or in some  
375 other place may be brought before the court by the department or  
376 by any other interested person, upon the filing of a motion  
377 alleging a need for a change in the conditions of protective

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378 supervision or the placement. If the parents or other legal  
379 custodians deny the need for a change, the court shall hear all  
380 parties in person or by counsel, or both. Upon the admission of  
381 a need for a change or after such hearing, the court shall enter  
382 an order changing the placement, modifying the conditions of  
383 protective supervision, or continuing the conditions of  
384 protective supervision as ordered. The standard for changing  
385 custody of the child shall be the best interests ~~interest~~ of the  
386 child. When determining whether a change of legal custody or  
387 placement is in applying this standard, ~~the court shall consider~~  
388 ~~the continuity of the child's placement in the same out-of-home~~  
389 ~~residence as a factor when determining~~ the best interests of the  
390 child, the court shall consider:

- 391 1. The child's age.
- 392 2. The physical, mental, and emotional health benefits to  
393 the child by remaining in his or her current placement or moving  
394 to the proposed placement.
- 395 3. The stability and longevity of the child's current  
396 placement.
- 397 4. The established bonded relationship between the child  
398 and the current or proposed caregiver.
- 399 5. The reasonable preference of the child, if the court has  
400 found that the child is of sufficient intelligence,  
401 understanding, and experience to express a preference.
- 402 6. The recommendation of the child's current caregiver.
- 403 7. The recommendation of the child's guardian ad litem, if  
404 one has been appointed.
- 405 8. The child's previous and current relationship with a  
406 sibling, if the change of legal custody or placement will

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407 separate or reunite siblings.

408 9. The likelihood of the child attaining permanency in the  
409 current or proposed placement.

410 10. Any other relevant factors.

411 (b) If the child is not placed in foster care, ~~then~~ the new  
412 placement for the child must meet the home study criteria and  
413 court approval ~~under pursuant to~~ this chapter.

414 (4) (a) The court or any party to the case may file a  
415 petition to place a child in out-of-home care after the child  
416 was placed in the child's own home with an in-home safety plan  
417 or the child was reunified with a parent or caregiver with an  
418 in-home safety plan if:

419 1. The child has again been abused, neglected, or abandoned  
420 by the parent or caregiver, or is suffering from or is in  
421 imminent danger of illness or injury as a result of abuse,  
422 neglect, or abandonment that has reoccurred; or

423 2. The parent or caregiver has materially violated a  
424 condition of placement imposed by the court, including, but not  
425 limited to, not complying with the in-home safety plan or case  
426 plan.

427 (b) If a child meets the criteria in paragraph (a) to be  
428 removed and placed in out-of-home care, the court must consider,  
429 at a minimum, the following in making its determination to  
430 remove the child and place the child in out-of-home care:

431 1. The circumstances that caused the child's dependency and  
432 other subsequently identified issues.

433 2. The length of time the child has been placed in the home  
434 with an in-home safety plan.

435 3. The parent's or caregiver's current level of protective

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436 capacities.

437 4. The level of increase, if any, in the parent's or  
438 caregiver's protective capacities since the child's placement in  
439 the home based on the length of time the child has been placed  
440 in the home.

441 (c) The court shall evaluate the child's permanency goal  
442 and change the permanency goal as needed if doing so would be in  
443 the best interests of the child.

444 Section 6. Subsection (5) of section 39.6011, Florida  
445 Statutes, is amended to read:

446 39.6011 Case plan development.—

447 (5) The case plan must describe all of the following:

448 (a) The role of the foster parents or caregivers ~~legal~~  
449 ~~custodians~~ when developing the services that are to be provided  
450 to the child, foster parents, or caregivers. ~~legal custodians;~~

451 (b) The responsibility of the parents and caregivers to  
452 work together to successfully implement the case plan, how the  
453 case manager will assist the parents and caregivers in  
454 developing a productive relationship that includes meaningful  
455 communication and mutual support, and the ability of the parents  
456 or caregivers to notify the court or the case manager if  
457 ineffective communication takes place that negatively impacts  
458 the child.

459 (c) ~~(b)~~ The responsibility of the case manager to forward a  
460 relative's request to receive notification of all proceedings  
461 and hearings submitted under ~~pursuant to~~ s. 39.301(14)(b) to the  
462 attorney for the department. ~~;~~

463 (d) ~~(e)~~ The minimum number of face-to-face meetings to be  
464 held each month between the parents and the department's family



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465 services counselors to review the progress of the plan, to  
466 eliminate barriers to progress, and to resolve conflicts or  
467 disagreements between parents and caregivers, service providers,  
468 or any other professional assisting the parents in the  
469 completion of the case plan. ~~and~~

470 (e)~~(d)~~ The parent's responsibility for financial support of  
471 the child, including, but not limited to, health insurance and  
472 child support. The case plan must list the costs associated with  
473 any services or treatment that the parent and child are expected  
474 to receive which are the financial responsibility of the parent.  
475 The determination of child support and other financial support  
476 shall be made independently of any determination of indigency  
477 under s. 39.013.

478 Section 7. Paragraph (b) of subsection (1) and paragraphs  
479 (a) and (c) of subsection (2) of section 39.701, Florida  
480 Statutes, are amended to read:

481 39.701 Judicial review.—

482 (1) GENERAL PROVISIONS.—

483 (b)1. The court shall retain jurisdiction over a child  
484 returned to his or her parents for a minimum period of 6 months  
485 following the reunification, but, at that time, based on a  
486 report of the social service agency and the guardian ad litem,  
487 if one has been appointed, and any other relevant factors, the  
488 court shall make a determination as to whether supervision by  
489 the department and the court's jurisdiction shall continue or be  
490 terminated.

491 2. Notwithstanding subparagraph 1., the court must retain  
492 jurisdiction over a child if the child is placed in the home  
493 with a parent or caregiver with an in-home safety plan and such

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494 safety plan remains necessary for the child to reside safely in  
495 the home.

496 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
497 AGE.—

498 (a) *Social study report for judicial review.*—Before every  
499 judicial review hearing or citizen review panel hearing, the  
500 social service agency shall make an investigation and social  
501 study concerning all pertinent details relating to the child and  
502 shall furnish to the court or citizen review panel a written  
503 report that includes, but is not limited to:

504 1. A description of the type of placement the child is in  
505 at the time of the hearing, including the safety of the child  
506 and the continuing necessity for and appropriateness of the  
507 placement.

508 2. Documentation of the diligent efforts made by all  
509 parties to the case plan to comply with each applicable  
510 provision of the plan.

511 3. The amount of fees assessed and collected during the  
512 period of time being reported.

513 4. The services provided to the foster family or caregiver  
514 ~~legal custodian~~ in an effort to address the needs of the child  
515 as indicated in the case plan.

516 5. A statement that either:

517 a. The parent, though able to do so, did not comply  
518 substantially with the case plan, and the agency  
519 recommendations;

520 b. The parent did substantially comply with the case plan;  
521 or

522 c. The parent has partially complied with the case plan,

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523 with a summary of additional progress needed and the agency  
524 recommendations.

525 6. A statement from the foster parent or caregiver ~~legal~~  
526 ~~custodian~~ providing any material evidence concerning the well-  
527 being of the child, the impact of any services provided to the  
528 child, the working relationship between the parents and  
529 caregivers, and the return of the child to the ~~parent or~~  
530 parents.

531 7. A statement concerning the frequency, duration, and  
532 results of the parent-child visitation, if any, and the agency  
533 and caregiver recommendations for an expansion or restriction of  
534 future visitation.

535 8. The number of times a child has been removed from his or  
536 her home and placed elsewhere, the number and types of  
537 placements that have occurred, and the reason for the changes in  
538 placement.

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

542 10. If the child has reached 13 years of age but is not yet  
543 18 years of age, a statement from the caregiver on the progress  
544 the child has made in acquiring independent living skills.

545 11. Copies of all medical, psychological, and educational  
546 records that support the terms of the case plan and that have  
547 been produced concerning the parents or any caregiver since the  
548 last judicial review hearing.

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

551 (c) *Review determinations.*—The court and any citizen review

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552 panel shall take into consideration the information contained in  
553 the social services study and investigation and all medical,  
554 psychological, and educational records that support the terms of  
555 the case plan; testimony by the social services agency, the  
556 parent, the foster parent or caregiver ~~legal custodian~~, the  
557 guardian ad litem or surrogate parent for educational  
558 decisionmaking if one has been appointed for the child, and any  
559 other person deemed appropriate; and any relevant and material  
560 evidence submitted to the court, including written and oral  
561 reports to the extent of their probative value. These reports  
562 and evidence may be received by the court in its effort to  
563 determine the action to be taken with regard to the child and  
564 may be relied upon to the extent of their probative value, even  
565 though not competent in an adjudicatory hearing. In its  
566 deliberations, the court and any citizen review panel shall seek  
567 to determine:

568 1. If the parent was advised of the right to receive  
569 assistance from any person or social service agency in the  
570 preparation of the case plan.

571 2. If the parent has been advised of the right to have  
572 counsel present at the judicial review or citizen review  
573 hearings. If not so advised, the court or citizen review panel  
574 shall advise the parent of such right.

575 3. If a guardian ad litem needs to be appointed for the  
576 child in a case in which a guardian ad litem has not previously  
577 been appointed or if there is a need to continue a guardian ad  
578 litem in a case in which a guardian ad litem has been appointed.

579 4. Who holds the rights to make educational decisions for  
580 the child. If appropriate, the court may refer the child to the

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581 district school superintendent for appointment of a surrogate  
582 parent or may itself appoint a surrogate parent under the  
583 Individuals with Disabilities Education Act and s. 39.0016.

584 5. The compliance or lack of compliance of all parties with  
585 applicable items of the case plan, including the parents'  
586 compliance with child support orders.

587 6. The compliance or lack of compliance with a visitation  
588 contract between the parent and the social service agency for  
589 contact with the child, including the frequency, duration, and  
590 results of the parent-child visitation and the reason for any  
591 noncompliance.

592 7. The frequency, kind, and duration of contacts among  
593 siblings who have been separated during placement, as well as  
594 any efforts undertaken to reunite separated siblings if doing so  
595 is in the best interests ~~interest~~ of the child.

596 8. The compliance or lack of compliance of the parent in  
597 meeting specified financial obligations pertaining to the care  
598 of the child, including the reason for failure to comply, if  
599 applicable.

600 9. Whether the child is receiving safe and proper care  
601 according to s. 39.6012, including, but not limited to, the  
602 appropriateness of the child's current placement, including  
603 whether the child is in a setting that is as family-like and as  
604 close to the parent's home as possible, consistent with the  
605 child's best interests and special needs, and including  
606 maintaining stability in the child's educational placement, as  
607 documented by assurances from the community-based care lead  
608 agency ~~provider~~ that:

609 a. The placement of the child takes into account the

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610 appropriateness of the current educational setting and the  
611 proximity to the school in which the child is enrolled at the  
612 time of placement.

613 b. The community-based care lead agency has coordinated  
614 with appropriate local educational agencies to ensure that the  
615 child remains in the school in which the child is enrolled at  
616 the time of placement.

617 10. A projected date likely for the child's return home or  
618 other permanent placement.

619 11. When appropriate, the basis for the unwillingness or  
620 inability of the parent to become a party to a case plan. The  
621 court and the citizen review panel shall determine if the  
622 efforts of the social service agency to secure party  
623 participation in a case plan were sufficient.

624 12. For a child who has reached 13 years of age but is not  
625 yet 18 years of age, the adequacy of the child's preparation for  
626 adulthood and independent living. For a child who is 15 years of  
627 age or older, the court shall determine if appropriate steps are  
628 being taken for the child to obtain a driver license or  
629 learner's driver license.

630 13. If amendments to the case plan are required. Amendments  
631 to the case plan must be made under s. 39.6013.

632 14. If the parents and caregivers have developed a  
633 productive relationship that includes meaningful communication  
634 and mutual support.

635 Section 8. Subsection (3) of section 63.092, Florida  
636 Statutes, is amended to read:

637 63.092 Report to the court of intended placement by an  
638 adoption entity; at-risk placement; preliminary study.-

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639 (3) PRELIMINARY HOME STUDY.—Before placing the minor in the  
640 intended adoptive home, a preliminary home study must be  
641 performed by a licensed child-placing agency, a child-caring  
642 agency registered under s. 409.176, a licensed professional, or  
643 an agency described in s. 61.20(2), unless the adoptee is an  
644 adult or the petitioner is a stepparent or a relative. If the  
645 adoptee is an adult or the petitioner is a stepparent or a  
646 relative, a preliminary home study may be required by the court  
647 for good cause shown. The department is required to perform the  
648 preliminary home study only if there is no licensed child-  
649 placing agency, child-caring agency registered under s. 409.176,  
650 licensed professional, or agency described in s. 61.20(2), in  
651 the county where the prospective adoptive parents reside. The  
652 preliminary home study must be made to determine the suitability  
653 of the intended adoptive parents and may be completed prior to  
654 identification of a prospective adoptive minor. Preliminary home  
655 studies initiated for identified prospective adoptive minors  
656 that are in the custody of the department must be completed  
657 within 30 days of initiation. A favorable preliminary home study  
658 is valid for 1 year after the date of its completion. Upon its  
659 completion, a signed copy of the home study must be provided to  
660 the intended adoptive parents who were the subject of the home  
661 study. A minor may not be placed in an intended adoptive home  
662 before a favorable preliminary home study is completed unless  
663 the adoptive home is also a licensed foster home under s.  
664 409.175. The preliminary home study must include, at a minimum:  
665 (a) An interview with the intended adoptive parents;  
666 (b) Records checks of the department's central abuse  
667 registry, which the department shall provide to the entity

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668 conducting the preliminary home study, and criminal records  
669 correspondence checks under s. 39.0138 through the Department of  
670 Law Enforcement on the intended adoptive parents;

671 (c) An assessment of the physical environment of the home;

672 (d) A determination of the financial security of the  
673 intended adoptive parents;

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

679 (f) Documentation that information on adoption and the  
680 adoption process has been provided to the intended adoptive  
681 parents;

682 (g) Documentation that information on support services  
683 available in the community has been provided to the intended  
684 adoptive parents; and

685 (h) A copy of each signed acknowledgment of receipt of  
686 disclosure required by s. 63.085.

687

688 If the preliminary home study is favorable, a minor may be  
689 placed in the home pending entry of the judgment of adoption. A  
690 minor may not be placed in the home if the preliminary home  
691 study is unfavorable. If the preliminary home study is  
692 unfavorable, the adoption entity may, within 20 days after  
693 receipt of a copy of the written recommendation, petition the  
694 court to determine the suitability of the intended adoptive  
695 home. A determination as to suitability under this subsection  
696 does not act as a presumption of suitability at the final



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697 hearing. In determining the suitability of the intended adoptive  
698 home, the court must consider the totality of the circumstances  
699 in the home. A minor may not be placed in a home in which there  
700 resides any person determined by the court to be a sexual  
701 predator as defined in s. 775.21 or to have been convicted of an  
702 offense listed in s. 63.089(4)(b)2.

703 Section 9. Section 63.093, Florida Statutes, is created to  
704 read:

705 63.093 Adoption of a child from the child welfare system.—  
706 The adoption of a child from Florida's foster care system is a  
707 process that typically includes an orientation session, an in-  
708 depth training program to help prospective parents determine if  
709 adoption is right for the family, a home study, and a background  
710 check. Once the process has been completed, prospective parents  
711 are ready to be matched with a child available for adoption.

712 (1) The prospective adoptive parents' initial inquiry to  
713 the department or to the community-based care lead agency or  
714 subcontractor staff, whether written or verbal, must receive a  
715 written response or a telephone call from the department or  
716 agency or subcontractor staff, as applicable, within 7 business  
717 days after receipt of the inquiry. Prospective adoptive parents  
718 who indicate an interest in adopting children in the custody of  
719 the department must be referred by the department or agency or  
720 subcontractor staff to a department-approved adoptive parent  
721 training program as prescribed in rule.

722 (2) An application to adopt must be made on the "Adoptive  
723 Home Application" published by the department.

724 (3) An adoptive home study that includes observation,  
725 screening, and evaluation of the child and adoptive applicants

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726 must be completed by a staff person with the community-based  
727 care lead agency, the subcontractor agency, or another licensed  
728 child-placing agency prior to the adoptive placement of the  
729 child. The purpose of this evaluation is to select families who  
730 will be able to meet the physical, emotional, social,  
731 educational, and financial needs of a child, while safeguarding  
732 the child from further loss and separation from siblings and  
733 significant adults. The adoptive home study is valid for 12  
734 months from the approval date.

735 (4) In addition to other required documentation, an  
736 adoptive parent application file must include the adoptive home  
737 study and verification that all background screening  
738 requirements have been met.

739 (5) The department-approved adoptive parent training must  
740 be provided to and successfully completed by all prospective  
741 adoptive parents except licensed foster parents and relative and  
742 nonrelative caregivers who previously attended the training  
743 within the last 5 years, as prescribed in rule, or have the  
744 child currently placed in their home for 6 months or longer, and  
745 been determined to understand the challenges and parenting  
746 skills needed to successfully parent the children available for  
747 adoption from foster care.

748 (6) At the conclusion of the preparation and study process,  
749 the counselor and supervisor shall make a decision about the  
750 family's appropriateness to adopt. The decision to approve or  
751 not to approve will be reflected in the final recommendation  
752 included in the home study. If the recommendation is for  
753 approval, the adoptive parent application file must be submitted  
754 to the community-based lead agency or subcontractor agency for

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755 approval, which must be made within 14 business days.

756 Section 10. Section 409.1415, Florida Statutes, is created  
757 to read:

758 409.1415 Parenting partnerships for children in out-of-home  
759 care.-

760 (1) LEGISLATIVE FINDINGS AND INTENT.-

761 (a) The Legislature finds that reunification is the most  
762 common outcome for children in out-of-home care and that foster  
763 parents are one of the most important resources to help children  
764 reunify with their families.

765 (b) The Legislature further finds that the most successful  
766 foster parents understand that their role goes beyond supporting  
767 the children in their care to supporting the children's  
768 families, as a whole, and that children and their families  
769 benefit when foster and birth parents are supported by an agency  
770 culture that encourages a meaningful partnership between them  
771 and provides quality support.

772 (c) Therefore, in keeping with national trends, it is the  
773 intent of the Legislature to bring birth parents and foster  
774 parents together in order to build strong relationships that  
775 lead to more successful reunifications and more stability for  
776 children being fostered in out-of-home care.

777 (2) PARENTING PARTNERSHIPS.-

778 (a) General provisions.-In order to ensure that children in  
779 out-of-home care achieve legal permanency as soon as possible,  
780 to reduce the likelihood that they will re-enter care or that  
781 other children in the family are abused or neglected or enter  
782 out-of-home care, and to ensure that families are fully prepared  
783 to resume custody of their children, the department and

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784 community-based care lead agencies shall develop and support  
785 relationships between foster families and the legal parents of  
786 children in out-of-home care to the extent that it is safe and  
787 in the child's best interest, by:

788 1. Facilitating telephone communication between the foster  
789 parent and the birth or legal parent as soon as possible after  
790 the child is placed in the home.

791 2. Facilitating and attending an in-person meeting between  
792 the foster parent and the birth or legal parent within 2 weeks  
793 after placement.

794 3. Developing and supporting a plan for birth or legal  
795 parents to participate in medical appointments, educational and  
796 extracurricular activities, and other events involving the  
797 child.

798 4. Facilitating participation by the foster parent in  
799 visitation between the birth parent and the child.

800 5. Involving the foster parent in planning meetings with  
801 the birth parent.

802 6. Developing and implementing effective transition plans  
803 for the child's return home or placement in any other living  
804 environment.

805 7. Supporting continued contact between the foster family  
806 and the child after the child returns home or moves to another  
807 permanent living arrangement.

808 8. Supporting continued connection with the birth parent  
809 after adoption.

810 (b) Responsibilities.—To ensure that a child in out-of-home  
811 care receives support for healthy development which gives him or  
812 her the best possible opportunity for success, foster parents,

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813 birth parents, the department, community-based care lead agency  
814 staff, and other agency staff, as applicable, shall work  
815 cooperatively in a respectful partnership by adhering to the  
816 following requirements:

817 1. All members of the partnership must interact and  
818 communicate professionally with one another, must share all  
819 relevant information promptly, and must respect the  
820 confidentiality of all information related to a child and his or  
821 her family.

822 2. Caregivers, the family, the department, community-based  
823 care lead agency staff, and other agency staff must participate  
824 in developing a case plan for the child and family, and all  
825 members of the team must work together to implement the plan.  
826 Caregivers must participate in all team meetings or court  
827 hearings related to the child's care and future plans. The  
828 department, community-based care lead agency staff, and other  
829 agency staff must support and facilitate caregiver participation  
830 through timely notification of such meetings and hearings and an  
831 inclusive process, and by providing alternative methods for  
832 participation for caregivers who cannot be physically present at  
833 a meeting or hearing.

834 3. Excellent parenting is a reasonable expectation of  
835 caregivers. Caregivers must provide, and the department,  
836 community-based care lead agency staff, and other agency staff  
837 must support, excellent parenting. As used in this subparagraph,  
838 the term "excellent parenting" means a loving commitment to the  
839 child and the child's safety and well-being; appropriate  
840 supervision and positive methods of discipline; encouragement of  
841 the child's strengths; respect for the child's individuality and

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842 likes and dislikes; providing opportunities for the child to  
843 develop interests and skills; being aware of the impact of  
844 trauma on behavior; facilitating equal participation of the  
845 child in family life; involving the child within his or her  
846 community; and a commitment to enable the child to lead a normal  
847 life.

848 4. Children in out-of-home care may be placed only with a  
849 caregiver who has the ability to care for the child; is willing  
850 to accept responsibility for providing care; and is willing and  
851 able to learn about and be respectful of the child's culture,  
852 religion, and ethnicity, his or her special physical or  
853 psychological needs, any circumstances unique to the child, and  
854 family relationships. The department, the community-based care  
855 lead agency, and other agencies must provide a caregiver with  
856 all available information necessary to assist the caregiver in  
857 determining whether he or she is able to appropriately care for  
858 a particular child.

859 5. A caregiver must have access to and take advantage of  
860 all training that he or she needs to improve his or her skills  
861 in parenting a child who has experienced trauma due to neglect,  
862 abuse, or separation from home; to meet the child's special  
863 needs; and to work effectively with child welfare agencies, the  
864 courts, the schools, and other community and governmental  
865 agencies.

866 6. The department, community-based care lead agency staff,  
867 and other agency staff must provide caregivers with the services  
868 and support they need to enable them to provide quality care for  
869 the child.

870 7. Once a family accepts the responsibility of caring for a

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871 child, the child may be removed from that family only if the  
872 family is clearly unable to care for him or her safely or  
873 legally, when the child and his or her biological family are  
874 reunified, when the child is being placed in a legally permanent  
875 home in accordance with a case plan or court order, or when the  
876 removal is demonstrably in the best interests of the child.

877 8. If a child must leave the caregiver's home for one of  
878 the reasons stated in subparagraph 7., and in the absence of an  
879 unforeseeable emergency, the transition must be accomplished  
880 according to a plan that involves cooperation and sharing of  
881 information among all persons involved, respects the child's  
882 developmental stage and psychological needs, ensures the child  
883 has all of his or her belongings, allows for a gradual  
884 transition from the caregiver's home, and, if possible, allows  
885 for continued contact with the caregiver after the child leaves.

886 9. When the plan for a child includes reunification,  
887 caregivers and agency staff must work together to assist the  
888 biological parents in improving their ability to care for and  
889 protect their children and to provide continuity for the child.

890 10. A caregiver must respect and support the child's ties  
891 to his or her biological family, including parents, siblings,  
892 and extended family members, and must assist the child in  
893 visitation and other forms of communication. The department,  
894 community-based care lead agency staff, and other agency staff  
895 must provide caregivers with the information, guidance,  
896 training, and support necessary for fulfilling this  
897 responsibility.

898 11. A caregiver must work in partnership with the  
899 department, community-based care lead agency staff, and other

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900 agency staff to obtain and maintain records that are important  
901 to the child's well-being including, but not limited to, child  
902 resource records, medical records, school records, photographs,  
903 and records of special events and achievements.

904 12. A caregiver must effectively advocate for a child in  
905 his or her care with the child welfare system, the court, and  
906 community agencies, including schools, child care providers,  
907 health and mental health providers, and employers. The  
908 department, community-based care lead agency staff, and other  
909 agency staff must support a caregiver in effectively advocating  
910 for a child and may not retaliate against the caregiver as a  
911 result of this advocacy.

912 13. A caregiver must be as fully involved in the child's  
913 medical, psychological, and dental care as he or she would be  
914 for his or her biological child. Agency staff must support and  
915 facilitate such participation. Caregivers, the department,  
916 community-based care lead agency staff, and other agency staff  
917 must share information with each other about the child's health  
918 and well-being.

919 14. A caregiver must support a child's school success,  
920 including, when possible, maintaining school stability by  
921 participating in school activities and meetings, including  
922 individual education plan meetings; assisting with school  
923 assignments; supporting tutoring programs; meeting with teachers  
924 and working with an educational surrogate, if one has been  
925 appointed; and encouraging the child's participation in  
926 extracurricular activities. Agency staff must facilitate this  
927 participation and must be kept informed of the child's progress  
928 and needs.



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929 15. Caseworkers and caseworker supervisors must mediate  
930 disagreements that occur between foster parents and birth  
931 parents.

932 (c) Residential group homes.—All caregivers employed by  
933 residential group homes must meet the same education, training,  
934 and background and other screening requirements as foster  
935 parents and must adhere to the requirements in paragraph (b).

936 (3) RULEMAKING.—The department shall adopt by rule  
937 procedures to administer this section.

938 Section 11. Section 409.145, Florida Statutes, is amended  
939 to read:

940 409.145 Care of children; ~~quality parenting~~; “reasonable  
941 and prudent parent” standard.—The child welfare system of the  
942 department shall operate as a coordinated community-based system  
943 of care which empowers all caregivers for children in foster  
944 care to provide quality parenting, including approving or  
945 disapproving a child’s participation in activities based on the  
946 caregiver’s assessment using the “reasonable and prudent parent”  
947 standard.

948 (1) SYSTEM OF CARE.—The department shall develop,  
949 implement, and administer a coordinated community-based system  
950 of care for children who are found to be dependent and their  
951 families. This system of care must be directed toward the  
952 following goals:

953 (a) Prevention of separation of children from their  
954 families.

955 (b) Intervention to allow children to remain safely in  
956 their own homes.

957 (c) Reunification of families who have had children removed

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958 from their care.

959 (d) Safety for children who are separated from their  
960 families by providing alternative emergency or longer-term  
961 parenting arrangements.

962 (e) Focus on the well-being of children through emphasis on  
963 maintaining educational stability and providing timely health  
964 care.

965 (f) Permanency for children for whom reunification with  
966 their families is not possible or is not in the best interest of  
967 the child.

968 (g) The transition to independence and self-sufficiency for  
969 older children who remain in foster care through adolescence.

970 ~~(2) QUALITY PARENTING.—A child in foster care shall be~~  
971 ~~placed only with a caregiver who has the ability to care for the~~  
972 ~~child, is willing to accept responsibility for providing care,~~  
973 ~~and is willing and able to learn about and be respectful of the~~  
974 ~~child's culture, religion and ethnicity, special physical or~~  
975 ~~psychological needs, any circumstances unique to the child, and~~  
976 ~~family relationships. The department, the community-based care~~  
977 ~~lead agency, and other agencies shall provide such caregiver~~  
978 ~~with all available information necessary to assist the caregiver~~  
979 ~~in determining whether he or she is able to appropriately care~~  
980 ~~for a particular child.~~

981 ~~(a) Roles and responsibilities of caregivers. A caregiver~~  
982 ~~shall:~~

983 ~~1. Participate in developing the case plan for the child~~  
984 ~~and his or her family and work with others involved in his or~~  
985 ~~her care to implement this plan. This participation includes the~~  
986 ~~caregiver's involvement in all team meetings or court hearings~~

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987 ~~related to the child's care.~~

988 ~~2. Complete all training needed to improve skills in~~  
989 ~~parenting a child who has experienced trauma due to neglect,~~  
990 ~~abuse, or separation from home, to meet the child's special~~  
991 ~~needs, and to work effectively with child welfare agencies, the~~  
992 ~~court, the schools, and other community and governmental~~  
993 ~~agencies.~~

994 ~~3. Respect and support the child's ties to members of his~~  
995 ~~or her biological family and assist the child in maintaining~~  
996 ~~allowable visitation and other forms of communication.~~

997 ~~4. Effectively advocate for the child in the caregiver's~~  
998 ~~care with the child welfare system, the court, and community~~  
999 ~~agencies, including the school, child care, health and mental~~  
1000 ~~health providers, and employers.~~

1001 ~~5. Participate fully in the child's medical, psychological,~~  
1002 ~~and dental care as the caregiver would for his or her biological~~  
1003 ~~child.~~

1004 ~~6. Support the child's educational success by participating~~  
1005 ~~in activities and meetings associated with the child's school or~~  
1006 ~~other educational setting, including Individual Education Plan~~  
1007 ~~meetings and meetings with an educational surrogate if one has~~  
1008 ~~been appointed, assisting with assignments, supporting tutoring~~  
1009 ~~programs, and encouraging the child's participation in~~  
1010 ~~extracurricular activities.~~

1011 ~~a. Maintaining educational stability for a child while in~~  
1012 ~~out-of-home care by allowing the child to remain in the school~~  
1013 ~~or educational setting that he or she attended before entry into~~  
1014 ~~out-of-home care is the first priority, unless not in the best~~  
1015 ~~interest of the child.~~

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1016 ~~b. If it is not in the best interest of the child to remain~~  
1017 ~~in his or her school or educational setting upon entry into out-~~  
1018 ~~of-home care, the caregiver must work with the case manager,~~  
1019 ~~guardian ad litem, teachers and guidance counselors, and~~  
1020 ~~educational surrogate if one has been appointed to determine the~~  
1021 ~~best educational setting for the child. Such setting may include~~  
1022 ~~a public school that is not the school of origin, a private~~  
1023 ~~school pursuant to s. 1002.42, a virtual instruction program~~  
1024 ~~pursuant to s. 1002.45, or a home education program pursuant to~~  
1025 ~~s. 1002.41.~~

1026 ~~7. Work in partnership with other stakeholders to obtain~~  
1027 ~~and maintain records that are important to the child's well-~~  
1028 ~~being, including child resource records, medical records, school~~  
1029 ~~records, photographs, and records of special events and~~  
1030 ~~achievements.~~

1031 ~~8. Ensure that the child in the caregiver's care who is~~  
1032 ~~between 13 and 17 years of age learns and masters independent~~  
1033 ~~living skills.~~

1034 ~~9. Ensure that the child in the caregiver's care is aware~~  
1035 ~~of the requirements and benefits of the Road to Independence~~  
1036 ~~Program.~~

1037 ~~10. Work to enable the child in the caregiver's care to~~  
1038 ~~establish and maintain naturally occurring mentoring~~  
1039 ~~relationships.~~

1040 ~~(b) Roles and responsibilities of the department, the~~  
1041 ~~community based care lead agency, and other agency staff. The~~  
1042 ~~department, the community based care lead agency, and other~~  
1043 ~~agency staff shall:~~

1044 ~~1. Include a caregiver in the development and~~

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1045 ~~implementation of the case plan for the child and his or her~~  
1046 ~~family. The caregiver shall be authorized to participate in all~~  
1047 ~~team meetings or court hearings related to the child's care and~~  
1048 ~~future plans. The caregiver's participation shall be facilitated~~  
1049 ~~through timely notification, an inclusive process, and~~  
1050 ~~alternative methods for participation for a caregiver who cannot~~  
1051 ~~be physically present.~~

1052 ~~2. Develop and make available to the caregiver the~~  
1053 ~~information, services, training, and support that the caregiver~~  
1054 ~~needs to improve his or her skills in parenting children who~~  
1055 ~~have experienced trauma due to neglect, abuse, or separation~~  
1056 ~~from home, to meet these children's special needs, and to~~  
1057 ~~advocate effectively with child welfare agencies, the courts,~~  
1058 ~~schools, and other community and governmental agencies.~~

1059 ~~3. Provide the caregiver with all information related to~~  
1060 ~~services and other benefits that are available to the child.~~

1061 ~~4. Show no prejudice against a caregiver who desires to~~  
1062 ~~educate at home a child placed in his or her home through the~~  
1063 ~~child welfare system.~~

1064 ~~(c) Transitions.~~

1065 ~~1. Once a caregiver accepts the responsibility of caring~~  
1066 ~~for a child, the child will be removed from the home of that~~  
1067 ~~caregiver only if:~~

1068 ~~a. The caregiver is clearly unable to safely or legally~~  
1069 ~~care for the child;~~

1070 ~~b. The child and his or her biological family are~~  
1071 ~~reunified;~~

1072 ~~c. The child is being placed in a legally permanent home~~  
1073 ~~pursuant to the case plan or a court order; or~~

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1074 ~~d. The removal is demonstrably in the child's best~~  
1075 ~~interest.~~

1076 ~~2. In the absence of an emergency, if a child leaves the~~  
1077 ~~caregiver's home for a reason provided under subparagraph 1.,~~  
1078 ~~the transition must be accomplished according to a plan that~~  
1079 ~~involves cooperation and sharing of information among all~~  
1080 ~~persons involved, respects the child's developmental stage and~~  
1081 ~~psychological needs, ensures the child has all of his or her~~  
1082 ~~belongings, allows for a gradual transition from the caregiver's~~  
1083 ~~home and, if possible, for continued contact with the caregiver~~  
1084 ~~after the child leaves.~~

1085 ~~(d) Information sharing. Whenever a foster home or~~  
1086 ~~residential group home assumes responsibility for the care of a~~  
1087 ~~child, the department and any additional providers shall make~~  
1088 ~~available to the caregiver as soon as is practicable all~~  
1089 ~~relevant information concerning the child. Records and~~  
1090 ~~information that are required to be shared with caregivers~~  
1091 ~~include, but are not limited to:~~

1092 ~~1. Medical, dental, psychological, psychiatric, and~~  
1093 ~~behavioral history, as well as ongoing evaluation or treatment~~  
1094 ~~needs;~~

1095 ~~2. School records;~~

1096 ~~3. Copies of his or her birth certificate and, if~~  
1097 ~~appropriate, immigration status documents;~~

1098 ~~4. Consents signed by parents;~~

1099 ~~5. Comprehensive behavioral assessments and other social~~  
1100 ~~assessments;~~

1101 ~~6. Court orders;~~

1102 ~~7. Visitation and case plans;~~

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1103 ~~8. Guardian ad litem reports;~~  
1104 ~~9. Staffing forms; and~~  
1105 ~~10. Judicial or citizen review panel reports and~~  
1106 ~~attachments filed with the court, except confidential medical,~~  
1107 ~~psychiatric, and psychological information regarding any party~~  
1108 ~~or participant other than the child.~~

1109 ~~(c) Caregivers employed by residential group homes. All~~  
1110 ~~caregivers in residential group homes shall meet the same~~  
1111 ~~education, training, and background and other screening~~  
1112 ~~requirements as foster parents.~~

1113 (2) ~~(3)~~ REASONABLE AND PRUDENT PARENT STANDARD.-

1114 (a) *Definitions.*-As used in this subsection, the term:

1115 1. "Age-appropriate" means an activity or item that is  
1116 generally accepted as suitable for a child of the same  
1117 chronological age or level of maturity. Age appropriateness is  
1118 based on the development of cognitive, emotional, physical, and  
1119 behavioral capacity which is typical for an age or age group.

1120 2. "Caregiver" means a person with whom the child is placed  
1121 in out-of-home care, or a designated official for a group care  
1122 facility licensed by the department under s. 409.175.

1123 3. "Reasonable and prudent parent" standard means the  
1124 standard of care used by a caregiver in determining whether to  
1125 allow a child in his or her care to participate in  
1126 extracurricular, enrichment, and social activities. This  
1127 standard is characterized by careful and thoughtful parental  
1128 decisionmaking that is intended to maintain a child's health,  
1129 safety, and best interest while encouraging the child's  
1130 emotional and developmental growth.

1131 (b) *Application of standard of care.*-

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1132 1. Every child who comes into out-of-home care pursuant to  
1133 this chapter is entitled to participate in age-appropriate  
1134 extracurricular, enrichment, and social activities.

1135 2. Each caregiver shall use the reasonable and prudent  
1136 parent standard in determining whether to give permission for a  
1137 child living in out-of-home care to participate in  
1138 extracurricular, enrichment, or social activities. When using  
1139 the reasonable and prudent parent standard, the caregiver must  
1140 consider:

1141 a. The child's age, maturity, and developmental level to  
1142 maintain the overall health and safety of the child.

1143 b. The potential risk factors and the appropriateness of  
1144 the extracurricular, enrichment, or social activity.

1145 c. The best interest of the child, based on information  
1146 known by the caregiver.

1147 d. The importance of encouraging the child's emotional and  
1148 developmental growth.

1149 e. The importance of providing the child with the most  
1150 family-like living experience possible.

1151 f. The behavioral history of the child and the child's  
1152 ability to safely participate in the proposed activity.

1153 (c) *Verification of services delivered.*—The department and  
1154 each community-based care lead agency shall verify that private  
1155 agencies providing out-of-home care services to dependent  
1156 children have policies in place which are consistent with this  
1157 section and that these agencies promote and protect the ability  
1158 of dependent children to participate in age-appropriate  
1159 extracurricular, enrichment, and social activities.

1160 (d) *Limitation of liability.*—A caregiver is not liable for



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1161 harm caused to a child who participates in an activity approved  
 1162 by the caregiver, provided that the caregiver has acted in  
 1163 accordance with the reasonable and prudent parent standard. This  
 1164 paragraph may not be interpreted as removing or limiting any  
 1165 existing liability protection afforded by law.

1166 (3)~~(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1167 (a) Effective July 1, 2018, room and board rates shall be  
 1168 paid to foster parents as follows:

Monthly Foster Care Rate

0-5 Years Age	6-12 Years Age	13-21 Years Age
\$457.95	\$469.68	\$549.74

1172  
 1173 (b) Each January, foster parents shall receive an annual  
 1174 cost of living increase. The department shall calculate the new  
 1175 room and board rate increase equal to the percentage change in  
 1176 the Consumer Price Index for All Urban Consumers, U.S. City  
 1177 Average, All Items, not seasonally adjusted, or successor  
 1178 reports, for the preceding December compared to the prior  
 1179 December as initially reported by the United States Department  
 1180 of Labor, Bureau of Labor Statistics. The department shall make  
 1181 available the adjusted room and board rates annually.

1182 (c) Effective July 1, 2019, foster parents of level I  
 1183 family foster homes, as defined in s. 409.175(5) (a) shall  
 1184 receive a room and board rate of \$333.

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1185 (d) Effective July 1, 2019, the foster care room and board  
1186 rate for level II family foster homes as defined in s.  
1187 409.175(5) (a) shall be the same as the new rate established for  
1188 family foster homes as of January 1, 2019.

1189 (e) Effective January 1, 2020, paragraph (b) shall only  
1190 apply to level II through level V family foster homes, as  
1191 defined in s. 409.175(5) (a).

1192 (f) The amount of the monthly foster care room and board  
1193 rate may be increased upon agreement among the department, the  
1194 community-based care lead agency, and the foster parent.

1195 (g) From July 1, 2018, through June 30, 2019, community-  
1196 based care lead agencies providing care under contract with the  
1197 department shall pay a supplemental room and board payment to  
1198 foster care parents of all family foster homes, on a per-child  
1199 basis, for providing independent life skills and normalcy  
1200 supports to children who are 13 through 17 years of age placed  
1201 in their care. The supplemental payment shall be paid monthly to  
1202 the foster care parents in addition to the current monthly room  
1203 and board rate payment. The supplemental monthly payment shall  
1204 be based on 10 percent of the monthly room and board rate for  
1205 children 13 through 21 years of age as provided under this  
1206 section and adjusted annually. Effective July 1, 2019, such  
1207 supplemental payments shall only be paid to foster parents of  
1208 level II through level V family foster homes.

1209 (4)~~(5)~~ RULEMAKING.—The department shall adopt by rule  
1210 procedures to administer this section.

1211 Section 12. Paragraph (b) of subsection (6) of section  
1212 409.175, Florida Statutes, is amended, and paragraph (d) is  
1213 added to that subsection, to read:

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1214 409.175 Licensure of family foster homes, residential  
1215 child-caring agencies, and child-placing agencies; public  
1216 records exemption.—

1217 (6)

1218 (b) Upon application for licensure, the department shall  
1219 conduct a licensing study based on its licensing rules; shall  
1220 inspect the home or the agency and the records, including  
1221 financial records, of the applicant or agency; and shall  
1222 interview the applicant. The department may authorize a licensed  
1223 child-placing agency to conduct the licensing study of a family  
1224 foster home to be used exclusively by that agency and to verify  
1225 to the department that the home meets the licensing requirements  
1226 established by the department. A licensing study of a family  
1227 foster home must be completed by the department or an authorized  
1228 licensed child-placing agency within 30 days of initiation. The  
1229 department shall post on its website a list of the agencies  
1230 authorized to conduct such studies.

1231 1. The complete application file shall be submitted in  
1232 accordance with the traditional or attestation model for  
1233 licensure as prescribed in rule. In addition to other required  
1234 documentation, a traditional licensing application file must  
1235 include a completed licensing study and verification of  
1236 background screening requirements.

1237 2. The department regional licensing authority shall ensure  
1238 that the licensing application file is complete and that all  
1239 licensing requirements are met for the issuance of the license.  
1240 If the child-placing agency is contracted with a community-based  
1241 care lead agency, the licensing application file must contain  
1242 documentation of a review by the community-based care lead

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1243 agency and the regional licensing authority and a recommendation  
1244 for approval or denial by the community-based care lead agency  
1245 ~~Upon certification by a licensed child-placing agency that a~~  
1246 ~~family foster home meets the licensing requirements and upon~~  
1247 ~~receipt of a letter from a community-based care lead agency in~~  
1248 ~~the service area where the home will be licensed which indicates~~  
1249 ~~that the family foster home meets the criteria established by~~  
1250 ~~the lead agency, the department shall issue the license. A~~  
1251 ~~letter from the lead agency is not required if the lead agency~~  
1252 ~~where the proposed home is located is directly supervising~~  
1253 ~~foster homes in the same service area.~~

1254 3. An application file must be approved or denied within 10  
1255 business days after receipt by the regional licensing authority.  
1256 If the application file is approved, a license must be issued to  
1257 the applicant. The must shall include the name and address of  
1258 the caregiver, the name of the supervising agency, the licensed  
1259 capacity, and the dates for which the license is valid. The  
1260 department regional managing director or designee within upper  
1261 level management shall sign the license. Any limitations must be  
1262 displayed on the license.

1263 4. The regional licensing authority shall provide a copy of  
1264 the license to the community-based care lead agency or  
1265 supervising agency. The community-based care lead agency or  
1266 supervising agency shall ensure that the license is sent to the  
1267 foster parent.

1268 (d) The department shall issue a determination regarding an  
1269 application for a family foster home license within 100 days of  
1270 completion of orientation as provided in s. 409.175(14)(b)1.  
1271 Licenses that require additional certifications pursuant to s.

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1272 409.175(5)(a) may be given additional time to issue a  
1273 determination.

1274 Section 13. Paragraph (j) of subsection (1) of section  
1275 409.988, Florida Statutes, is amended to read:

1276 409.988 Lead agency duties; general provisions.—

1277 (1) DUTIES.—A lead agency:

1278 (j) May subcontract for the provision of services required  
1279 by the contract with the lead agency and the department;  
1280 however, the subcontracts must specify how the provider will  
1281 contribute to the lead agency meeting the performance standards  
1282 established pursuant to the child welfare results-oriented  
1283 accountability system required by s. 409.997. The lead agency  
1284 shall directly provide no more than 35 percent of all child  
1285 welfare services provided unless it can demonstrate a need,  
1286 within the lead agency's geographic service area, to exceed this  
1287 threshold. The local community alliance in the geographic  
1288 service area in which the lead agency is seeking to exceed the  
1289 threshold shall review the lead agency's justification for need  
1290 and recommend to the department whether the department should  
1291 approve or deny the lead agency's request for an exemption from  
1292 the services threshold. If there is not a community alliance  
1293 operating in the geographic service area in which the lead  
1294 agency is seeking to exceed the threshold, such review and  
1295 recommendation shall be made by representatives of local  
1296 stakeholders, including at least one representative from each of  
1297 the following:

- 1298 1. The department.  
1299 2. The county government.  
1300 3. The school district.

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1301       4. The county United Way.  
1302       5. The county sheriff's office.  
1303       6. The circuit court corresponding to the county.  
1304       7. The county children's board, if one exists.

1305       Section 14. Paragraph (b) of subsection (7) of section  
1306 39.302, Florida Statutes, is amended to read:  
1307       39.302 Protective investigations of institutional child  
1308 abuse, abandonment, or neglect.—  
1309       (7) When an investigation of institutional abuse, neglect,  
1310 or abandonment is closed and a person is not identified as a  
1311 caregiver responsible for the abuse, neglect, or abandonment  
1312 alleged in the report, the fact that the person is named in some  
1313 capacity in the report may not be used in any way to adversely  
1314 affect the interests of that person. This prohibition applies to  
1315 any use of the information in employment screening, licensing,  
1316 child placement, adoption, or any other decisions by a private  
1317 adoption agency or a state agency or its contracted providers.

1318       (b) Likewise, if a person is employed as a caregiver in a  
1319 residential group home licensed pursuant to s. 409.175 and is  
1320 named in any capacity in three or more reports within a 5-year  
1321 period, the department may review all reports for the purposes  
1322 of the employment screening required pursuant to s.  
1323 409.1415(2)(c) ~~s. 409.145(2)(e)~~.

1324       Section 15. Paragraph (d) of subsection (5) of section  
1325 39.6225, Florida Statutes, is amended to read:  
1326       39.6225 Guardianship Assistance Program.—  
1327       (5) A guardian with an application approved pursuant to  
1328 subsection (2) who is caring for a child placed with the  
1329 guardian by the court pursuant to this part may receive

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1330 guardianship assistance payments based on the following  
1331 criteria:

1332 (d) The department shall provide guardianship assistance  
1333 payments in the amount of \$4,000 annually, paid on a monthly  
1334 basis, or in an amount other than \$4,000 annually as determined  
1335 by the guardian and the department and memorialized in a written  
1336 agreement between the guardian and the department. The agreement  
1337 shall take into consideration the circumstances of the guardian  
1338 and the needs of the child. Changes may not be made without the  
1339 concurrence of the guardian. However, in no case shall the  
1340 amount of the monthly payment exceed the foster care maintenance  
1341 payment that would have been paid during the same period if the  
1342 child had been in licensed care at his or her designated level  
1343 of care at the rate established in s. 409.145(3) ~~s. 409.145(4)~~.

1344 Section 16. Paragraph (b) of subsection (5) of section  
1345 393.065, Florida Statutes, is amended to read:

1346 393.065 Application and eligibility determination.—

1347 (5) The agency shall assign and provide priority to clients  
1348 waiting for waiver services in the following order:

1349 (b) Category 2, which includes individuals on the waiting  
1350 list who are:

1351 1. From the child welfare system with an open case in the  
1352 Department of Children and Families' statewide automated child  
1353 welfare information system and who are either:

1354 a. Transitioning out of the child welfare system at the  
1355 finalization of an adoption, a reunification with family  
1356 members, a permanent placement with a relative, or a  
1357 guardianship with a nonrelative; or

1358 b. At least 18 years but not yet 22 years of age and who

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1359 need both waiver services and extended foster care services; or

1360 2. At least 18 years but not yet 22 years of age and who  
1361 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the  
1362 extended foster care system.

1363  
1364 For individuals who are at least 18 years but not yet 22 years  
1365 of age and who are eligible under sub-subparagraph 1.b., the  
1366 agency shall provide waiver services, including residential  
1367 habilitation, and the community-based care lead agency shall  
1368 fund room and board at the rate established in s. 409.145(3) ~~s.~~  
1369 ~~409.145(4)~~ and provide case management and related services as  
1370 defined in s. 409.986(3)(e). Individuals may receive both waiver  
1371 services and services under s. 39.6251. Services may not  
1372 duplicate services available through the Medicaid state plan.

1373  
1374 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a  
1375 waiting list of clients placed in the order of the date that the  
1376 client is determined eligible for waiver services.

1377 Section 17. Paragraph (b) of subsection (2) of section  
1378 409.1451, Florida Statutes, is amended to read:

1379 409.1451 The Road-to-Independence Program.—

1380 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1381 (b) The amount of the financial assistance shall be as  
1382 follows:

1383 1. For a young adult who does not remain in foster care and  
1384 is attending a postsecondary school as provided in s. 1009.533,  
1385 the amount is \$1,256 monthly.

1386 2. For a young adult who remains in foster care, is  
1387 attending a postsecondary school, as provided in s. 1009.533,



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1388 and continues to reside in a licensed foster home, the amount is  
1389 the established room and board rate for foster parents. This  
1390 takes the place of the payment provided for in s. 409.145(3) ~~s.~~  
1391 ~~409.145(4)~~.

1392 3. For a young adult who remains in foster care, but  
1393 temporarily resides away from a licensed foster home for  
1394 purposes of attending a postsecondary school as provided in s.  
1395 1009.533, the amount is \$1,256 monthly. This takes the place of  
1396 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1397 4. For a young adult who remains in foster care, is  
1398 attending a postsecondary school as provided in s. 1009.533, and  
1399 continues to reside in a licensed group home, the amount is  
1400 negotiated between the community-based care lead agency and the  
1401 licensed group home provider.

1402 5. For a young adult who remains in foster care, but  
1403 temporarily resides away from a licensed group home for purposes  
1404 of attending a postsecondary school as provided in s. 1009.533,  
1405 the amount is \$1,256 monthly. This takes the place of a  
1406 negotiated room and board rate.

1407 6. A young adult is eligible to receive financial  
1408 assistance during the months when he or she is enrolled in a  
1409 postsecondary educational institution.

1410 Section 18. This act shall take effect July 1, 2020.