

By Senator Book

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.4085,
3 F.S.; providing legislative findings and intent;
4 specifying the rights of children and young adults in
5 out-of-home care; providing roles and responsibilities
6 for the Department of Children and Families,
7 community-based care lead agencies, and other agency
8 staff; providing roles and responsibilities for
9 caregivers; requiring the department to adopt certain
10 rules; providing applicability; creating s. 39.4088,
11 F.S.; requiring the Florida Children's Ombudsman to
12 serve as an autonomous entity within the department
13 for certain purposes; providing general roles and
14 responsibilities for the ombudsman; requiring the
15 ombudsman to collect certain data; requiring the
16 ombudsman, in consultation with the department and
17 other specified entities and by a specified date, to
18 develop standardized information explaining the rights
19 of children and young adults placed in out-of-home
20 care; requiring the department, community-based care
21 lead agencies, and agency staff to use the information
22 provided by the ombudsman in carrying out specified
23 responsibilities; requiring the department to
24 establish a statewide toll-free telephone number for
25 the ombudsman; requiring the department to adopt
26 certain rules; amending s. 39.6011, F.S.; requiring
27 that a case plan be developed in a face-to-face
28 conference with a caregiver of a child under certain
29 circumstances; providing additional requirements for

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30 the content of a case plan; providing additional
31 requirements for a case plan when a child is 14 years
32 of age or older or is of an appropriate age and
33 capacity; requiring the department to provide a copy
34 of the case plan to the caregiver of a child placed in
35 a licensed foster home; amending s. 39.604, F.S.;
36 requiring a caseworker to provide specified
37 information relating to subsidies that early learning
38 coalitions provide to caregivers of certain children;
39 amending s. 39.701, F.S.; providing additional
40 requirements for social study reports for judicial
41 review; amending s. 409.145, F.S.; providing
42 additional requirements for caregivers; providing
43 additional requirements for records and information
44 the department and any additional providers are
45 required to make available to caregivers; amending s.
46 409.175, F.S.; providing additional requirements for
47 the licensure and operation of family foster homes,
48 residential child-caring agencies, and child-placing
49 agencies; amending s. 409.1753, F.S.; requiring a lead
50 agency, rather than the department, to provide
51 caregivers with a contact when the caseworker is
52 unavailable; amending s. 409.988, F.S.; requiring lead
53 agencies to recruit and retain foster homes; amending
54 s. 39.6013, F.S.; conforming a cross-reference;
55 providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Section 39.4085, Florida Statutes, is amended to
60 read:

61 (Substantial rewording of section. See
62 s. 39.4085, F.S., for present text.)
63 39.4085 Foster Children's Bill of Rights.-

64 (1) LEGISLATIVE FINDINGS AND INTENT.-

65 (a) The Legislature finds that children in, and young
66 adults leaving, out-of-home care face more developmental,
67 psychosocial, and economic challenges than their peers outside
68 of the child welfare system and are more likely to be
69 unemployed, undereducated, homeless, and dependent on public
70 assistance; and to experience early parenthood and to suffer
71 from substance abuse and mental health disorders.

72 (b) The Legislature also finds that emotional trauma,
73 separation from family, frequent changes in placement, and
74 frequent changes in school enrollment, as well as being
75 dependent on the state to make decisions regarding current and
76 future life options, may contribute to feelings of limited
77 control over life circumstances for children and young adults in
78 out-of-home care.

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

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

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88 (2) BILL OF RIGHTS.—The department’s child welfare system
89 shall operate with the understanding that the rights of children
90 and young adults in out-of-home care are critical to their
91 safety, permanence, and well-being and shall work with all
92 stakeholders to help such children and young adults become
93 knowledgeable about their rights and the resources available to
94 them. A child should be able to remain in the custody of his or
95 her parents or legal custodians unless a qualified person
96 exercising competent professional judgment determines that
97 removal is necessary to protect the child’s physical, mental, or
98 emotional health or safety. Except as otherwise provided in this
99 chapter, the rights of a child placed in out-of-home care are:

100 (a) To live in a safe, healthful, and comfortable home
101 where he or she is treated with respect and provided with
102 healthful food, appropriate clothing, and adequate storage space
103 for personal use and where the caregiver is aware of and
104 understands the child’s history, needs, and risk factors and
105 respects the child’s preferences for attending religious
106 services and activities.

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

112 (c) To receive medical, dental, vision, and mental health
113 services, as needed; to be free of the administration of
114 psychotropic medication or chemical substances unless authorized
115 by a parent or the court; and to not be locked in any room,
116 building, or facility unless placed in a residential treatment

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117 center by court order.

118 (d) To be able to have contact and visitation with his or
119 her parents, other family members, and fictive kin and to be
120 placed with his or her siblings and, if not placed together with
121 his or her siblings, to have frequent visitation and ongoing
122 contact with his or her siblings, unless prohibited by court
123 order.

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

128 (f) To maintain a bank account and manage personal income,
129 consistent with his or her age and developmental level, unless
130 prohibited by the case plan, and to be informed about any funds
131 being held in the master trust on behalf of the child.

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

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

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

142 (j) To have fair and equal access to all available
143 services, placement, care, treatment, and benefits, and to not
144 be subjected to discrimination on the basis of race, national
145 origin, color, religion, sex, mental or physical disability,

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146 age, or pregnancy.

147 (k) If he or she is 14 years of age or older or, if
148 younger, is of an appropriate age and capacity, to participate
149 in creating and reviewing his or her case plan, to receive
150 information about his or her out-of-home placement and case
151 plan, including being told of changes to the plan, and to have
152 the ability to object to provisions of the case plan.

153 (l) If he or she is 16 years of age or older, to have
154 access to existing information regarding the educational and
155 financial assistance options available to him or her, including,
156 but not limited to, the coursework necessary for vocational and
157 postsecondary educational programs, postsecondary educational
158 services and support, the Keys to Independence program, and the
159 tuition waiver available under s. 1009.25.

160 (m) To not be removed from an out-of-home placement by the
161 department or a community-based care lead agency unless the
162 caregiver becomes unable to care for the child, the child
163 achieves permanency, or the move is otherwise in the child's
164 best interest and, if moved, the right to a transition that
165 respects his or her relationships and personal belongings under
166 s. 409.145.

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

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

172 (a) The department shall develop training related to the
173 rights of children and young adults in out-of-home care under
174 this section. All child protective investigators, case managers,

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175 and other appropriate staff must complete annual training
176 relating to these rights.

177 (b) The department shall provide a copy of this bill of
178 rights to all children and young adults entering out-of-home
179 care, and the department shall explain the bill of rights to the
180 child or young adult in a manner the child or young adult can
181 understand. Such explanation must occur in a manner that is the
182 most effective for each individual and must use words and
183 terminology that make sense to the child or young adult. If a
184 child or young adult has cognitive, physical, or behavioral
185 challenges that would prevent him or her from fully
186 comprehending the bill of rights as presented, such information
187 must be documented in the case record.

188 (c) The caseworker or other appropriate agency staff shall
189 document in court reports and case notes the date he or she
190 reviewed the bill of rights in age-appropriate language with the
191 foster child or young adult.

192 (d) The bill of rights must be reviewed with the child or
193 young adult by appropriate staff upon entry into out-of-home
194 care and must be subsequently reviewed with the child or young
195 adult every 6 months until the child leaves care and upon every
196 change in placement. Each child or young adult must be given the
197 opportunity to ask questions about any of the rights that he or
198 she does not clearly understand.

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

203 (4) ROLES AND RESPONSIBILITIES OF CAREGIVERS.—All

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204 caregivers must ensure that a child or young adult in their care
205 is aware of and understands his or her rights under this section
206 and must assist the child or young adult in contacting the
207 Florida Children's Ombudsman, if necessary.

208 (5) RULEMAKING.—The department shall adopt rules to
209 implement this section.

210 (6) APPLICABILITY.—This section may not be used for any
211 purpose in any civil or administrative action and does not
212 expand or limit any rights or remedies provided under any other
213 law.

214 Section 2. Section 39.4088, Florida Statutes, is created to
215 read:

216 39.4088 Florida Children's Ombudsman.—The Florida
217 Children's Ombudsman shall serve as an autonomous entity within
218 the department for the purpose of providing children and young
219 adults who are placed in out-of-home care with a means to
220 resolve issues related to their care, placement, or services
221 without fear of retribution. The ombudsman shall have access to
222 any record of a state or local agency which is necessary to
223 carry out his or her responsibilities and may meet or
224 communicate with any child or young adult in the child or young
225 adult's placement or elsewhere.

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

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

231 (b) Attempt to resolve a complaint informally.

232 (c) Conduct whatever investigation he or she determines is

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233 necessary to resolve a complaint.

234 (d) Update the complainant on the progress of the
235 investigation and notify the complainant of the final outcome.

236
237 The ombudsman may not investigate, challenge, or overturn court-
238 ordered decisions.

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

240 (a) Document the number, source, origin, location, and
241 nature of all complaints.

242 (b) Compile all data collected over the course of the year,
243 including, but not limited to, the number of contacts to the
244 toll-free telephone number; the number of complaints made,
245 including the type and source of those complaints; the number of
246 investigations performed by the ombudsman; the trends and issues
247 that arose in the course of investigating complaints; the number
248 of referrals made; and the number of pending complaints.

249 (c) Post the compiled data on the department's website.

250 (3) DEVELOPMENT AND DISSEMINATION OF INFORMATION.—

251 (a) By January 1, 2021, the ombudsman, in consultation with
252 the department, children's advocacy and support groups, and
253 current or former children and young adults in out-of-home care,
254 shall develop standardized information explaining the rights
255 granted under s. 39.4085. The information must be age-
256 appropriate, reviewed and updated by the ombudsman annually, and
257 made available through a variety of formats.

258 (b) The department, community-based care lead agencies, and
259 other agency staff must use the information provided by the
260 ombudsman to carry out their responsibilities to inform children
261 and young adults in out-of-home care of their rights pursuant to

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262 the duties established under s. 409.145.

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

266 (4) RULEMAKING.—The department shall adopt rules to
267 implement this section.

268 Section 3. Present subsections (4) through (9) of section
269 39.6011, Florida Statutes, are redesignated as subsections (5)
270 through (10), respectively, paragraph (a) of subsection (1) and
271 paragraph (c) of present subsection (7) of that section are
272 amended, paragraph (f) is added to subsection (2) of that
273 section, and a new subsection (4) is added to that section, to
274 read:

275 39.6011 Case plan development.—

276 (1) The department shall prepare a draft of the case plan
277 for each child receiving services under this chapter. A parent
278 of a child may not be threatened or coerced with the loss of
279 custody or parental rights for failing to admit in the case plan
280 of abusing, neglecting, or abandoning a child. Participating in
281 the development of a case plan is not an admission to any
282 allegation of abuse, abandonment, or neglect, and it is not a
283 consent to a finding of dependency or termination of parental
284 rights. The case plan shall be developed subject to the
285 following requirements:

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

290 (2) The case plan must be written simply and clearly in

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291 English and, if English is not the principal language of the
292 child's parent, to the extent possible in the parent's principal
293 language. Each case plan must contain:

294 (f) If the child has attained 14 years of age or is
295 otherwise of an appropriate age and capacity:

296 1. A document that describes the rights of the child under
297 s. 39.4085 and the right to be provided with the documents
298 pursuant to s. 39.701.

299 2. A signed acknowledgment by the child or young adult, or
300 the caregiver if the child is too young or otherwise unable to
301 sign, that the child has been provided with a copy of the
302 document and that the rights contained in the document have been
303 explained to the child in a way that the child understands.

304 3. Documentation that a consumer credit report for the
305 child was requested from all three credit reporting agencies
306 pursuant to federal law at no charge to the child and that any
307 results were provided to the child. The case plan must include
308 documentation of any barriers to obtaining the credit reports.
309 If the consumer credit report reveals any accounts, the case
310 plan must detail how the department ensured the child received
311 assistance with interpreting the credit report and resolving any
312 inaccuracies, including any referrals made for such assistance.

313 (4) If the child has attained 14 years of age or, if
314 younger, is of an appropriate age and capacity, the child must:

315 (a) Be consulted on the development of the case plan; have
316 the opportunity to attend a face-to-face conference, if
317 appropriate; have the opportunity to express a placement
318 preference; and have the option to choose two members for the
319 case planning team who are not a foster parent or caseworker for

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320 the child.

321 1. An individual selected by a child to be a member of the
322 case planning team may be rejected at any time if there is good
323 cause to believe that the individual would not act in the best
324 interest of the child. One individual selected by a child to be
325 a member of the child's case planning team may be designated to
326 act as the child's advisor and, as necessary, advocate with
327 respect to the application of the reasonable and prudent parent
328 standard to the child.

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

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

335 (c) Receive an explanation of the provisions of the case
336 plan from the department.

337 (d) After the case plan is agreed on and signed by all
338 parties, and after jurisdiction attaches and the case plan is
339 filed with the court, be provided a copy of the case plan within
340 72 hours before the disposition hearing.

341 (8)-(7) After the case plan has been developed, the
342 department shall adhere to the following procedural
343 requirements:

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

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

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

358 3. After jurisdiction attaches, all case plans must be
359 filed with the court, and a copy provided to all the parties
360 whose whereabouts are known, not less than 3 business days
361 before the disposition hearing. The department shall file with
362 the court, and provide copies to the parties, all case plans
363 prepared before jurisdiction of the court attached.

364 Section 4. Paragraph (c) is added to subsection (3) of
365 section 39.604, Florida Statutes, to read:

366 39.604 Rilya Wilson Act; short title; legislative intent;
367 child care; early education; preschool.-

368 (3) REQUIREMENTS.-

369 (c) For children placed in a licensed foster home and who
370 are required to be enrolled in an early education or a child
371 care program under this section, the caseworker shall inform the
372 caregiver of the amount of the subsidy provided by an early
373 learning coalition, that this amount may not be sufficient to
374 pay the full cost of the services, and that the caregiver will
375 be responsible for paying the difference between the subsidy and
376 the full cost charged by the early education or child care
377 program.

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378 Section 5. Paragraph (a) of subsection (2) and paragraph
379 (a) of subsection (3) of section 39.701, Florida Statutes, are
380 amended to read:

381 39.701 Judicial review.—

382 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
383 AGE.—

384 (a) *Social study report for judicial review.*—Before every
385 judicial review hearing or citizen review panel hearing, the
386 social service agency shall make an investigation and social
387 study concerning all pertinent details relating to the child and
388 shall furnish to the court or citizen review panel a written
389 report that includes, but is not limited to:

390 1. A description of the type of placement the child is in
391 at the time of the hearing, including the safety of the child
392 and the continuing necessity for and appropriateness of the
393 placement.

394 2. Documentation of the diligent efforts made by all
395 parties to the case plan to comply with each applicable
396 provision of the plan.

397 3. The amount of fees assessed and collected during the
398 period of time being reported.

399 4. The services provided to the foster family or legal
400 custodian in an effort to address the needs of the child as
401 indicated in the case plan.

402 5. A statement that either:

403 a. The parent, though able to do so, did not comply
404 substantially with the case plan, and the agency
405 recommendations;

406 b. The parent did substantially comply with the case plan;

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407 or

408 c. The parent has partially complied with the case plan,
409 with a summary of additional progress needed and the agency
410 recommendations.

411 6. A statement from the foster parent or legal custodian
412 providing any material evidence concerning the return of the
413 child to the parent or parents.

414 7. A statement concerning the frequency, duration, and
415 results of the parent-child visitation, if any, and the agency
416 recommendations for an expansion or restriction of future
417 visitation.

418 8. The number of times a child has been removed from his or
419 her home and placed elsewhere, the number and types of
420 placements that have occurred, and the reason for the changes in
421 placement.

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

425 10. If the child has reached 13 years of age but is not yet
426 18 years of age, a statement from the caregiver on the progress
427 the child has made in acquiring independent living skills.

428 11. Copies of all medical, psychological, and educational
429 records that support the terms of the case plan and that have
430 been produced concerning the parents or any caregiver since the
431 last judicial review hearing.

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

434 13. Documentation that the Foster Children's Bill of
435 Rights, as described in s. 39.4085, has been provided to and

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436 reviewed with the child.

437 14. A signed acknowledgment by the child, or the caregiver
438 if the child is too young or otherwise unable to sign, stating
439 that the child has been provided an explanation of the rights
440 under s. 39.4085.

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

442 (a) In addition to the review and report required under
443 paragraphs (1) (a) and (2) (a), respectively, the court shall hold
444 a judicial review hearing within 90 days after a child's 17th
445 birthday. The court shall also issue an order, separate from the
446 order on judicial review, that the disability of nonage of the
447 child has been removed pursuant to ss. 743.044, 743.045,
448 743.046, and 743.047, and for any of these disabilities that the
449 court finds is in the child's best interest to remove. The court
450 shall continue to hold timely judicial review hearings. If
451 necessary, the court may review the status of the child more
452 frequently during the year before the child's 18th birthday. At
453 each review hearing held under this subsection, in addition to
454 any information or report provided to the court by the foster
455 parent, legal custodian, or guardian ad litem, the child shall
456 be given the opportunity to address the court with any
457 information relevant to the child's best interest, particularly
458 in relation to independent living transition services. The
459 department shall include in the social study report for judicial
460 review written verification that the child has:

461 1. A current Medicaid card and all necessary information
462 concerning the Medicaid program sufficient to prepare the child
463 to apply for coverage upon reaching the age of 18, if such
464 application is appropriate.

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

468 3. A social security card and information relating to
469 social security insurance benefits if the child is eligible for
470 those benefits. If the child has received such benefits and they
471 are being held in trust for the child, a full accounting of
472 these funds must be provided and the child must be informed as
473 to how to access those funds.

474 4. All relevant information related to the Road-to-
475 Independence Program, including, but not limited to, eligibility
476 requirements, information on participation, and assistance in
477 gaining admission to the program. If the child is eligible for
478 the Road-to-Independence Program, he or she must be advised that
479 he or she may continue to reside with the licensed family home
480 or group care provider with whom the child was residing at the
481 time the child attained his or her 18th birthday, in another
482 licensed family home, or with a group care provider arranged by
483 the department.

484 5. An open bank account or the identification necessary to
485 open a bank account and to acquire essential banking and
486 budgeting skills.

487 6. Information on public assistance and how to apply for
488 public assistance.

489 7. A clear understanding of where he or she will be living
490 on his or her 18th birthday, how living expenses will be paid,
491 and the educational program or school in which he or she will be
492 enrolled.

493 8. Information related to the ability of the child to

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494 remain in care until he or she reaches 21 years of age under s.
495 39.013.

496 9. A letter providing the dates that the child is under the
497 jurisdiction of the court.

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

500 11. The child's educational records.

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

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

503 14. A statement encouraging the child to attend all
504 judicial review hearings occurring after the child's 17th
505 birthday.

506 15. Information on how to obtain a driver license or
507 learner's driver license.

508 16. Been provided with the Foster Children's Bill of
509 Rights, as described in s. 39.0485, and that the rights have
510 been reviewed with the child.

511 17. Signed an acknowledgment stating that he or she has
512 been provided an explanation of the rights or, if the child is
513 too young or otherwise unable to sign, that such acknowledgment
514 has been signed by the child's caregiver.

515 Section 6. Paragraphs (a) and (d) of subsection (2) of
516 section 409.145, Florida Statutes, are amended to read:

517 409.145 Care of children; quality parenting; "reasonable
518 and prudent parent" standard.—The child welfare system of the
519 department shall operate as a coordinated community-based system
520 of care which empowers all caregivers for children in foster
521 care to provide quality parenting, including approving or
522 disapproving a child's participation in activities based on the

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523 caregiver's assessment using the "reasonable and prudent parent"
524 standard.

525 (2) QUALITY PARENTING.—A child in foster care shall be
526 placed only with a caregiver who has the ability to care for the
527 child, is willing to accept responsibility for providing care,
528 and is willing and able to learn about and be respectful of the
529 child's culture, religion and ethnicity, special physical or
530 psychological needs, any circumstances unique to the child, and
531 family relationships. The department, the community-based care
532 lead agency, and other agencies shall provide such caregiver
533 with all available information necessary to assist the caregiver
534 in determining whether he or she is able to appropriately care
535 for a particular child.

536 (a) *Roles and responsibilities of caregivers.*—A caregiver
537 shall:

538 1. Participate in developing the case plan for the child
539 and his or her family and work with others involved in his or
540 her care to implement this plan. This participation includes the
541 caregiver's involvement in all team meetings or court hearings
542 related to the child's care.

543 2. Complete all training needed to improve skills in
544 parenting a child who has experienced trauma due to neglect,
545 abuse, or separation from home, to meet the child's special
546 needs, and to work effectively with child welfare agencies, the
547 court, the schools, and other community and governmental
548 agencies.

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

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552 4. Effectively advocate for the child in the caregiver's
553 care with the child welfare system, the court, and community
554 agencies, including the school, child care, health and mental
555 health providers, and employers.

556 5. Participate fully in the child's medical, psychological,
557 and dental care as the caregiver would for his or her biological
558 child.

559 6. Support the child's educational success by participating
560 in activities and meetings associated with the child's school or
561 other educational setting, including Individual Education Plan
562 meetings and meetings with an educational surrogate if one has
563 been appointed, assisting with assignments, supporting tutoring
564 programs, and encouraging the child's participation in
565 extracurricular activities.

566 a. Maintaining educational stability for a child while in
567 out-of-home care by allowing the child to remain in the school
568 or educational setting that he or she attended before entry into
569 out-of-home care is the first priority, unless not in the best
570 interest of the child.

571 b. If it is not in the best interest of the child to remain
572 in his or her school or educational setting upon entry into out-
573 of-home care, the caregiver must work with the case manager,
574 guardian ad litem, teachers and guidance counselors, and
575 educational surrogate if one has been appointed to determine the
576 best educational setting for the child. Such setting may include
577 a public school that is not the school of origin, a private
578 school pursuant to s. 1002.42, a virtual instruction program
579 pursuant to s. 1002.45, or a home education program pursuant to
580 s. 1002.41.

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581 7. Work in partnership with other stakeholders to obtain
582 and maintain records that are important to the child's well-
583 being, including child resource records, medical records, school
584 records, photographs, and records of special events and
585 achievements.

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

589 9. Ensure that the child in the caregiver's care is aware
590 of the requirements and benefits of the Road-to-Independence
591 Program.

592 10. Work to enable the child in the caregiver's care to
593 establish and maintain naturally occurring mentoring
594 relationships.

595 11. Pay the difference between the subsidy from an early
596 learning coalition and the full cost charged by an early
597 education or child care program.

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

600 13. Assist the child in contacting the Florida Children's
601 Ombudsman, if necessary.

602 (d) *Information sharing.*—Whenever a foster home or
603 residential group home assumes responsibility for the care of a
604 child, the department and any additional providers shall make
605 available to the caregiver as soon as is practicable all
606 relevant information concerning the child. Records and
607 information that are required to be shared with caregivers
608 include, but are not limited to:

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

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610 behavioral history, as well as ongoing evaluation or treatment
611 needs or treatment plans and information on how the caregiver
612 can support any treatment plan within the foster home;

613 2. School records;

614 3. Copies of his or her birth certificate and, if
615 appropriate, immigration status documents;

616 4. Consents signed by parents;

617 5. Comprehensive behavioral assessments and other social
618 assessments and information on how the caregiver can manage any
619 behavioral issues;

620 6. Court orders;

621 7. Visitation and case plans;

622 8. Guardian ad litem reports;

623 9. Staffing forms; and

624 10. Judicial or citizen review panel reports and
625 attachments filed with the court, except confidential medical,
626 psychiatric, and psychological information regarding any party
627 or participant other than the child.

628 Section 7. Paragraph (b) of subsection (5) of section
629 409.175, Florida Statutes, is amended to read:

630 409.175 Licensure of family foster homes, residential
631 child-caring agencies, and child-placing agencies; public
632 records exemption.—

633 (5) The department shall adopt and amend rules for the
634 levels of licensed care associated with the licensure of family
635 foster homes, residential child-caring agencies, and child-
636 placing agencies. The rules may include criteria to approve
637 waivers to licensing requirements when applying for a child-
638 specific license.

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639 (b) The requirements for licensure and operation of family
640 foster homes, residential child-caring agencies, and child-
641 placing agencies shall include:

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

645 2. The provision of food, clothing, educational
646 opportunities, services, equipment, and individual supplies to
647 assure the healthy physical, emotional, and mental development
648 of the children served.

649 3. The appropriateness, safety, cleanliness, and general
650 adequacy of the premises, including fire prevention and health
651 standards, to provide for the physical comfort, care, and well-
652 being of the children served.

653 4. The ratio of staff to children required to provide
654 adequate care and supervision of the children served and, in the
655 case of family foster homes, the maximum number of children in
656 the home.

657 5. The good moral character based upon screening,
658 education, training, and experience requirements for personnel
659 and family foster homes.

660 6. The department may grant exemptions from
661 disqualification from working with children or the
662 developmentally disabled as provided in s. 435.07.

663 7. The provision of preservice and inservice training for
664 all foster parents and agency staff.

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

667 9. The maintenance by the agency of records pertaining to

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668 admission, progress, health, and discharge of children served,
669 including written case plans and reports to the department.

670 10. The provision for parental involvement to encourage
671 preservation and strengthening of a child's relationship with
672 the family.

673 11. The transportation safety of children served.

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

676 13. Provisions to safeguard the legal rights of children
677 served, as well as rights of children established under s.
678 39.4085.

679 Section 8. Section 409.1753, Florida Statutes, is amended
680 to read:

681 409.1753 Foster care; duties.—The department shall ensure
682 that each lead agency provides, ~~within each district,~~ each
683 foster home with ~~is given~~ a telephone number for the foster
684 parent to call during normal working hours whenever immediate
685 assistance is needed and the child's caseworker is unavailable.
686 This number must be staffed and answered by individuals
687 possessing the knowledge and authority necessary to assist
688 foster parents.

689 Section 9. Paragraph (1) is added to subsection (1) of
690 section 409.988, Florida Statutes, to read:

691 409.988 Lead agency duties; general provisions.—

692 (1) DUTIES.—A lead agency:

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

695 1. Develop a plan to recruit and retain foster homes using
696 best practices identified by the department and specify how the

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697 lead agency complies with s. 409.1753.

698 2. Annually submit such plan to the department for
699 approval.

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

702 4. Conduct exit interviews with foster parents who
703 voluntarily give up their license to determine the reasons for
704 giving up their license and identify suggestions for how to
705 better recruit and retain foster homes, and provide a quarterly
706 summary of such interviews to the department.

707 Section 10. Subsection (8) of section 39.6013, Florida
708 Statutes, is amended to read:

709 39.6013 Case plan amendments.—

710 (8) Amendments must include service interventions that are
711 the least intrusive into the life of the parent and child, must
712 focus on clearly defined objectives, and must provide the most
713 efficient path to quick reunification or permanent placement
714 given the circumstances of the case and the child's need for
715 safe and proper care. A copy of the amended plan must be
716 immediately given to the persons identified in s. 39.6011(8)(c)
717 ~~s. 39.6011(7)(e)~~.

718 Section 11. This act shall take effect October 1, 2020.