

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

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30 case plan; providing additional requirements for a
31 case plan when a child is 14 years of age or older or
32 is of an appropriate age and capacity; requiring the
33 department to provide a copy of the case plan to the
34 caregiver of a child placed in a licensed foster home;
35 amending s. 39.604, F.S.; requiring a caseworker to
36 provide specified information relating to subsidies
37 that early learning coalitions provide to caregivers
38 of certain children; amending s. 39.701, F.S.;

39 providing additional requirements for social study
40 reports for judicial review; amending s. 409.1415,
41 F.S.; providing additional requirements for
42 caregivers; amending s. 409.175, F.S.; providing
43 additional requirements for the licensure and
44 operation of family foster homes, residential child-
45 caring agencies, and child-placing agencies; amending
46 s. 409.1753, F.S.; requiring a lead agency, rather
47 than the department, to provide caregivers with a
48 telephone number when the caseworker is unavailable;
49 amending s. 409.988, F.S.; requiring lead agencies to
50 recruit and retain foster homes; amending s. 39.6013,
51 F.S.; conforming a cross-reference; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Section 39.4085, Florida Statutes, is amended to
57 read:

58 (Substantial rewording of section. See

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59 s. 39.4085, F.S., for present text.)

60 39.4085 Foster Children's Bill of Rights.-

61 (1) LEGISLATIVE FINDINGS AND INTENT.-

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

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

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

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

85 (2) BILL OF RIGHTS.-The department's child welfare system
86 shall operate with the understanding that the rights of children
87 and young adults in out-of-home care are critical to their

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

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

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

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

115 (d) To be able to have contact and visitation with his or
116 her parents, other family members, and fictive kin and to be

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117 placed with his or her siblings and, if not placed together with
118 his or her siblings, to have frequent visitation and ongoing
119 contact with his or her siblings, unless prohibited by court
120 order.

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

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

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

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

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

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

144 (k) If he or she is 14 years of age or older or, if
145 younger, is of an appropriate age and capacity, to participate

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146 in creating and reviewing his or her case plan, to receive
147 information about his or her out-of-home placement and case
148 plan, including being told of changes to the plan, and to have
149 the ability to object to provisions of the case plan.

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

157 (m) Not to be removed from an out-of-home placement by the
158 department or a community-based care lead agency unless the
159 caregiver becomes unable to care for the child, the child
160 achieves permanency, or the move is otherwise in the child's
161 best interest and, if moved, the right to a transition that
162 respects his or her relationships and personal belongings under
163 s. 409.1415.

164 (n) To have a guardian ad litem appointed to represent his
165 or her best interest and, if appropriate, an attorney appointed
166 to represent his or her legal interests.

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

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

174 (b) The department shall provide a copy of this bill of

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

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

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

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

200 (4) ROLES AND RESPONSIBILITIES OF CAREGIVERS.—All
201 caregivers shall ensure that a child or young adult in their
202 care is aware of and understands his or her rights under this
203 section and must assist the child or young adult in contacting

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204 the Florida Children's Ombudsman, if necessary.

205 (5) RULEMAKING.—The department shall adopt rules to
206 implement this section.

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

211 Section 2. Section 39.4088, Florida Statutes, is created to
212 read:

213 39.4088 Florida Children's Ombudsman.—The Florida
214 Children's Ombudsman shall serve as an autonomous entity within
215 the department for the purpose of providing children and young
216 adults who are placed in out-of-home care with a means to
217 resolve issues related to their care, placement, or services
218 without fear of retribution. The ombudsman shall have access to
219 any record of a state or local agency which is necessary to
220 carry out his or her responsibilities and may meet or
221 communicate with any child or young adult in the child or young
222 adult's placement or elsewhere.

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

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

228 (b) Attempt to resolve a complaint informally.

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

231 (d) Update the complainant on the progress of the
232 investigation and notify the complainant of the final outcome.

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

(2) DATA COLLECTION.—The ombudsman shall:

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

(b) Compile all data collected over the course of the year, including, but not limited to, the number of contacts to the Florida Children’s Ombudsman toll-free telephone number; the number of complaints made, including the type and source of those complaints; the number of investigations performed by the ombudsman; the trends and issues that arose in the course of investigating complaints; the number of referrals made; and the number of pending complaints.

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

(3) DEVELOPMENT AND DISSEMINATION OF INFORMATION.—

(a) By January 1, 2022, the ombudsman, in consultation with the department, children’s advocacy and support groups, and current or former children and young adults in out-of-home care, shall develop standardized information explaining the rights granted under s. 39.4085. The information must be age-appropriate, reviewed and updated by the ombudsman annually, and made available through a variety of formats.

(b) The department, community-based care lead agencies, and other agency staff must use the information provided by the ombudsman to carry out their responsibilities to inform children and young adults in out-of-home care of their rights pursuant to the duties established under s. 409.1415.

(c) The department shall establish the statewide Florida

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262 Children's Ombudsman toll-free telephone number and post the
263 number on the homepage of the department's website.

264 (4) RULEMAKING.—The department shall adopt rules to
265 implement this section.

266 Section 3. Present subsections (4) through (9) of section
267 39.6011, Florida Statutes, are redesignated as subsections (5)
268 through (10), respectively, paragraph (f) is added to subsection
269 (2) of that section and a new subsection (4) is added to that
270 section, and paragraph (a) of subsection (1) and paragraph (c)
271 of present subsection (7) of that section are amended, to read:

272 39.6011 Case plan development.—

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

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

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

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

293 1. A document that describes the rights of the child under
294 s. 39.4085 and the right to be provided with the documents
295 pursuant to s. 39.701.

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

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

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

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

318 1. An individual selected by a child to be a member of the
319 case planning team may be rejected at any time if there is good

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320 cause to believe that the individual would not act in the best
321 interest of the child. One individual selected by a child to be
322 a member of the child's case planning team may be designated to
323 act as the child's advisor and, as necessary, advocate with
324 respect to applying the reasonable and prudent parent standard
325 to the child.

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

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

332 (c) Receive an explanation of the provisions of the case
333 plan from the department.

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

338 (8) ~~(7)~~ After the case plan has been developed, the
339 department shall adhere to the following procedural
340 requirements:

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

346 1. A case plan must be prepared, but need not be submitted
347 to the court, for a child who will be in care no longer than 30
348 days unless that child is placed in out-of-home care a second

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349 time within a 12-month period.

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

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

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

363 39.604 Rilya Wilson Act; short title; legislative intent;
364 child care; early education; preschool.—

365 (3) REQUIREMENTS.—

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

375 Section 5. Paragraph (a) of subsection (2) and paragraph
376 (a) of subsection (3) of section 39.701, Florida Statutes, are
377 amended to read:

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378 39.701 Judicial review.—

379 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
380 AGE.—

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

387 1. A description of the type of placement the child is in
388 at the time of the hearing, including the safety of the child
389 and the continuing necessity for and appropriateness of the
390 placement.

391 2. Documentation of the diligent efforts made by all
392 parties to the case plan to comply with each applicable
393 provision of the plan.

394 3. The amount of fees assessed and collected during the
395 period of time being reported.

396 4. The services provided to the foster family or caregiver
397 in an effort to address the needs of the child as indicated in
398 the case plan.

399 5. A statement that either:

400 a. The parent, though able to do so, did not comply
401 substantially with the case plan, and the agency
402 recommendations;

403 b. The parent did substantially comply with the case plan;
404 or

405 c. The parent has partially complied with the case plan,
406 with a summary of additional progress needed and the agency

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407 recommendations.

408 6. A statement from the foster parent or caregiver
409 providing any material evidence concerning the well-being of the
410 child, the impact of any services provided to the child, the
411 working relationship between the parents and caregivers, and the
412 return of the child to the parents.

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

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

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

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

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

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

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

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

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

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

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

464 2. A certified copy of the child's birth certificate and,

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465 if the child does not have a valid driver license, a Florida
466 identification card issued under s. 322.051.

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

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

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

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

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

492 8. Information related to the ability of the child to
493 remain in care until he or she reaches 21 years of age under s.

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494 39.013.

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

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

499 11. The child's educational records.

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

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

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

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

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

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

514 Section 6. Paragraph (b) of subsection (2) of section
515 409.1415, Florida Statutes, is amended to read:

516 409.1415 Parenting partnerships for children in out-of-home
517 care.—

518 (2) PARENTING PARTNERSHIPS.—

519 (b) To ensure that a child in out-of-home care receives
520 support for healthy development which gives the child the best
521 possible opportunity for success, caregivers, birth or legal
522 parents, the department, and the community-based care lead

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523 agency shall work cooperatively in a respectful partnership by
524 adhering to the following requirements:

525 1. All members of the partnership must interact and
526 communicate professionally with one another, must share all
527 relevant information promptly, and must respect the
528 confidentiality of all information related to the child and his
529 or her family.

530 2. The caregiver; the birth or legal parent; the child, if
531 appropriate; the department; and the community-based care lead
532 agency must participate in developing a case plan for the child
533 and the birth or legal parent. All members of the team must work
534 together to implement the case plan. The caregiver must have the
535 opportunity to participate in all team meetings or court
536 hearings related to the child's care and future plans. The
537 department and community-based care lead agency must support and
538 facilitate caregiver participation through timely notification
539 of such meetings and hearings and provide alternative methods
540 for participation for a caregiver who cannot be physically
541 present at a meeting or hearing.

542 3. A caregiver must strive to provide, and the department
543 and community-based care lead agency must support, excellent
544 parenting, which includes:

545 a. A loving commitment to the child and the child's safety
546 and well-being.

547 b. Appropriate supervision and positive methods of
548 discipline.

549 c. Encouragement of the child's strengths.

550 d. Respect for the child's individuality and likes and
551 dislikes.

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552 e. Providing opportunities to develop the child's interests
553 and skills.

554 f. Being aware of the impact of trauma on behavior.

555 g. Facilitating equal participation of the child in family
556 life.

557 h. Involving the child within his or her community.

558 i. A commitment to enable the child to lead a normal life.

559 4. A child in out-of-home care must be placed with a
560 caregiver who has the ability to care for the child, is willing
561 to accept responsibility for providing care, and is willing and
562 able to learn about and be respectful of the child's culture,
563 religion, and ethnicity; special physical or psychological
564 needs; circumstances unique to the child; and family
565 relationships. The department, the community-based care lead
566 agency, and other agencies must provide a caregiver with all
567 available information necessary to assist the caregiver in
568 determining whether he or she is able to appropriately care for
569 a particular child.

570 5. A caregiver must have access to and take advantage of
571 all training that he or she needs to improve his or her skills
572 in parenting a child who has experienced trauma due to neglect,
573 abuse, or separation from home; to meet the child's special
574 needs; and to work effectively with child welfare agencies, the
575 courts, the schools, and other community and governmental
576 agencies.

577 6. The department and community-based care lead agency must
578 provide a caregiver with the services and support they need to
579 enable them to provide quality care for the child.

580 7. Once a caregiver accepts the responsibility of caring

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581 for a child, the child may be removed from the home of the
582 caregiver only if:

- 583 a. The caregiver is clearly unable to safely or legally
584 care for the child;
- 585 b. The child and the birth or legal parent are reunified;
- 586 c. The child is being placed in a legally permanent home in
587 accordance with a case plan or court order; or
- 588 d. The removal is demonstrably in the best interests of the
589 child.

590 8. If a child must leave the caregiver's home for one of
591 the reasons stated in subparagraph 7., and in the absence of an
592 unforeseeable emergency, the transition must be accomplished
593 according to a plan that involves cooperation and sharing of
594 information among all persons involved, respects the child's
595 developmental stage and psychological needs, ensures the child
596 has all of his or her belongings, allows for a gradual
597 transition from the caregiver's home, and, if possible, allows
598 for continued contact with the caregiver after the child leaves.

599 9. When the case plan for a child includes reunification,
600 the caregiver, the department, and the community-based care lead
601 agency must work together to assist the birth or legal parent in
602 improving his or her ability to care for and protect the child
603 and to provide continuity for the child.

604 10. A caregiver must respect and support the child's ties
605 to his or her birth or legal family, including parents,
606 siblings, and extended family members, and must assist the child
607 in maintaining allowable visitation and other forms of
608 communication. The department and community-based care lead
609 agency must provide a caregiver with the information, guidance,

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610 training, and support necessary for fulfilling this
611 responsibility.

612 11. A caregiver must work in partnership with the
613 department and community-based care lead agency to obtain and
614 maintain records that are important to the child's well-being,
615 including, but not limited to, child resource records, medical
616 records, school records, photographs, and records of special
617 events and achievements.

618 12. A caregiver must advocate for a child in his or her
619 care with the child welfare system, the court, and community
620 agencies, including schools, child care providers, health and
621 mental health providers, and employers. The department and
622 community-based care lead agency must support a caregiver in
623 advocating for a child and may not retaliate against the
624 caregiver as a result of this advocacy.

625 13. A caregiver must be as fully involved in the child's
626 medical, psychological, and dental care as he or she would be
627 for his or her biological child. The department and community-
628 based care lead agency must support and facilitate such
629 participation. The caregiver, the department, and the community-
630 based care lead agency must share information with each other
631 about the child's health and well-being.

632 14. A caregiver must support a child's school success,
633 including, when possible, maintaining school stability by
634 participating in school activities and meetings. The department
635 and community-based care lead agency must facilitate this
636 participation and be informed of the child's progress and needs.

637 15. A caregiver must ensure that a child in his or her care
638 who is between 13 and 17 years of age learns and masters

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639 independent living skills.

640 16. A caregiver must pay the difference between the subsidy
641 from an early learning coalition and the full cost charged by an
642 early education or child care program.

643 17. A caregiver must ensure that the child in the
644 caregiver's care is aware of and understands his or her rights
645 under s. 39.4085.

646 18. A caregiver must assist the child in contacting the
647 Florida Children's Ombudsman, if necessary.

648 19. The case manager and case manager supervisor must
649 mediate disagreements that occur between a caregiver and the
650 birth or legal parent.

651 Section 7. Paragraph (b) of subsection (5) of section
652 409.175, Florida Statutes, is amended to read:

653 409.175 Licensure of family foster homes, residential
654 child-caring agencies, and child-placing agencies; public
655 records exemption.—

656 (5) The department shall adopt and amend rules for the
657 levels of licensed care associated with the licensure of family
658 foster homes, residential child-caring agencies, and child-
659 placing agencies. The rules may include criteria to approve
660 waivers to licensing requirements when applying for a child-
661 specific license.

662 (b) The requirements for licensure and operation of family
663 foster homes, residential child-caring agencies, and child-
664 placing agencies shall include:

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

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668 2. The provision of food, clothing, educational
669 opportunities, services, equipment, and individual supplies to
670 assure the healthy physical, emotional, and mental development
671 of the children served.

672 3. The appropriateness, safety, cleanliness, and general
673 adequacy of the premises, including fire prevention and health
674 standards, to provide for the physical comfort, care, and well-
675 being of the children served.

676 4. The ratio of staff to children required to provide
677 adequate care and supervision of the children served and, in the
678 case of family foster homes, the maximum number of children in
679 the home.

680 5. The good moral character based upon screening,
681 education, training, and experience requirements for personnel
682 and family foster homes.

683 6. The department may grant exemptions from
684 disqualification from working with children or the
685 developmentally disabled as provided in s. 435.07.

686 7. The provision of preservice and inservice training for
687 all foster parents and agency staff.

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

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

693 10. The provision for parental involvement to encourage
694 preservation and strengthening of a child's relationship with
695 the family.

696 11. The transportation safety of children served.

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

699 13. Provisions to safeguard the legal rights of children
700 served, as well as the rights of children established under s.
701 39.4085.

702 Section 8. Section 409.1753, Florida Statutes, is amended
703 to read:

704 409.1753 Foster care; duties.—The department shall ensure
705 that each lead agency provides, ~~within each district,~~ each
706 foster home with is given a telephone number for the foster
707 parent to call during normal working hours whenever immediate
708 assistance is needed and the child's caseworker is unavailable.
709 This number must be staffed and answered by individuals
710 possessing the knowledge and authority necessary to assist
711 foster parents.

712 Section 9. Paragraph (m) is added to subsection (1) of
713 section 409.988, Florida Statutes, to read:

714 409.988 Lead agency duties; general provisions.—

715 (1) DUTIES.—A lead agency:

716 (m) Shall recruit and retain foster homes. In performing
717 such duty, a lead agency shall:

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

721 2. Annually submit such plan to the department for
722 approval.

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

725 4. Conduct exit interviews with foster parents who

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726 voluntarily give up their license to determine the reasons for
727 giving up their license and identify suggestions for how to
728 better recruit and retain foster homes, and provide a quarterly
729 summary of the exit interviews to the department.

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

732 39.6013 Case plan amendments.—

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

741 Section 11. This act shall take effect October 1, 2021.