

CHAPTER 98-78

Committee Substitute for Senate Bill No. 1540

An act relating to children and families; creating s. 39.5085, F.S.; directing the Department of Children and Family Services to establish and operate the Relative-Caregiver Program; providing financial assistance within available resources to relatives caring for children; providing for financial assistance and support services to relatives caring for children placed with them by the child protection system; providing for rules establishing eligibility guidelines, caregiver benefits, and payment schedule; naming a service center building; providing an effective date.

WHEREAS, Senator Hargrett has faithfully served the needs of his constituents in District 63 of the Florida House of Representatives from 1982 until 1992, and in District 21 of the Florida Senate from 1992 until the present time, and

WHEREAS, Senator Hargrett was instrumental in soliciting support and obtaining funding for the new service center at the Lee Davis Complex, and

WHEREAS, the service center at the Lee Davis Complex is the first building specifically designed as a one-stop career center to provide services under the Work and Gain Economic Self-sufficiency (WAGES) Program, and

WHEREAS, this service center will enhance the lives of neighboring residents by providing a comprehensive array of services that contribute to their ability to gain economic self-sufficiency, and

WHEREAS, this neighborhood-based community service center will help in overcoming a barrier that often prevents persons who are transportation disadvantaged from obtaining services, NOW, THEREFORE,

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

Section 1. Section 39.5085, Florida Statutes, is created to read:

39.5085 Relative-Caregiver Program.—

(1) It is the intent of the Legislature in enacting this section to:

(a) Recognize family relationships in which a grandparent or other relative is the head of a household that includes a child otherwise at risk of foster care placement.

(b) Enhance family preservation and stability by recognizing that most children in such placements with grandparents and other relatives do not need intensive supervision of the placement by the courts or by the department.

(c) Provide additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of

foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.

(d) Reserve the limited casework and supervisory resources of the courts and the department for those cases in which children do not have the option for safe, stable care within the family.

(2)(a) The Department of Children and Family Services shall establish and operate the Relative-Caregiver Program pursuant to eligibility guidelines established in this section as further implemented by rule of the department. The Relative-Caregiver Program shall, within the limits of available funding, provide financial assistance to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that child in the role of substitute parent as a result of a departmental determination of child abuse, neglect, or abandonment and subsequent placement with the relative pursuant to chapter 39. Such placement may be either court-ordered temporary legal custody to the relative pursuant to s. 39.41(2)(a)4. or court-ordered placement in the home of a relative under protective supervision of the department pursuant to s. 39.41(2)(a)3. The Relative-Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve in that capacity without the relative-caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

(b) Caregivers who are relatives and who receive assistance under this section must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care, and must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.

(c) Relatives who qualify for and participate in the Relative-Caregiver Program are not required to meet foster care licensing requirements under s. 409.175.

(d) Relatives who are caring for children placed with them by the child protection system shall receive a special monthly relative-caregiver benefit established by rule of the department. The amount of the special benefit payment shall be based on the child's age within a payment schedule established by rule of the department and subject to availability of funding. The statewide average monthly rate for children judicially placed with relatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, nor may the cost of providing the assistance described in this section to any relative-caregiver exceed the cost of providing out-of-home care in emergency shelter or foster care.

(e) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.

(f) Within available funding, the Relative-Caregiver Program shall provide relative-caregivers with family support and preservation services, flexi-

ble funds in accordance with s. 409.165, subsidized child care, and other available services in order to support the child's safety, growth, and healthy development. Children living with relative-caregivers who are receiving assistance under this section shall be eligible for medicaid coverage.

(g) The department may use appropriate available state, federal, and private funds to operate the Relative-Caregiver Program.

Section 2. The new service center building at the Lee Davis Complex is designated as the "James T. Hargrett, Jr. Building."

Section 3. This act shall take effect October 1, 1998.

Approved by the Governor May 21, 1998.

Filed in Office Secretary of State May 21, 1998.