

CHAPTER 2018-103

Committee Substitute for Committee Substitute for House Bill No. 1079

An act relating to child welfare; amending s. 39.01, F.S.; revising and providing definitions; amending s. 39.0138, F.S.; requiring the Department of Children and Families to establish rules for granting exemptions from criminal history and certain other records checks required for persons being considered for placement of a child; requiring level 1 screening for persons granted such exemption; prohibiting placement of a child with persons convicted of a certain felony; amending s. 39.521, F.S.; authorizing the court to make certain determinations regarding placement of a child with a guardian; conforming a cross-reference; amending s. 39.5085, F.S.; authorizing the department to recover financial assistance provided to nonrelative caregivers under certain circumstances; amending s. 39.6012, F.S.; requiring parents to make proactive contact with case managers at regular intervals; conforming a cross-reference; amending s. 39.6013, F.S.; requiring the court to consider certain case details before amending a case plan; amending s. 39.621, F.S.; requiring the court, during permanency hearings, to determine case plan compliance; amending s. 39.6221, F.S.; providing an additional condition for court placement of a child in permanent guardianship; creating s. 39.6225, F.S.; requiring the department to establish and operate a Guardianship Assistance Program to provide guardianship assistance payments to certain guardians beginning on a specified date; providing definitions; providing eligibility requirements; authorizing guardians to receive such payments for certain siblings; requiring the department to annually redetermine eligibility; providing conditions for termination of benefits; requiring the department to provide guardianship nonrecurring payments for certain expenses; authorizing the use of certain state and federal funds to operate the program; providing that children receiving assistance under the program are eligible for Medicaid coverage until they reach a certain age; requiring case plans to include certain information; requiring the department to adopt rules; requiring the Florida Institute for Child Welfare to evaluate the implementation of the Guardianship Assistance Program; requiring the institute to submit a report by a certain date; specifying the process for and elements of the evaluation; requiring the department to develop and implement a comprehensive communications strategy in support of relatives and fictive kin who are prospective caregivers; specifying information that shall be provided to such prospective caregivers; amending s. 39.6251, F.S.; requiring the case manager for a young adult in foster care to consult the young adult when updating case or the transition plans and arrangements; deleting a provision authorizing case management reviews to be conducted by telephone under certain circumstances; amending s. 39.701, F.S.; requiring the court, during judicial review hearings, to determine case plan compliance; amending s. 63.092, F.S.; requiring the department to release specified

records to entities conducting preliminary home studies; providing that certain specified training is not required for certain home studies; amending s. 322.09, F.S.; providing that a caregiver who signs for a minor's learner's driver license does not assume any obligation or liability for damages under certain circumstances; amending s. 402.305, F.S.; revising minimum requirements for child care personnel related to screening and fingerprinting; requiring child care facilities to provide information to parents intended to prevent children from being left in vehicles; specifying the minimum standards the department must adopt regarding transportation of children by child care facilities; amending ss. 402.313 and 402.3131, F.S.; requiring family day care homes and large family child care homes to provide information to parents intended to prevent children from being left in vehicles; amending s. 409.145, F.S.; revising rates for room and board reimbursement of certain family foster homes; revising provisions relating to supplemental payments by community-based care lead agencies; amending s. 409.166, F.S.; providing definitions; providing conditions for the department to provide adoption assistance payments to adoptive parents of certain children; providing that children and young adults receiving benefits through the adoption assistance program are ineligible for specified other benefits and services; providing additional conditions for eligibility for adoption assistance; amending s. 409.1678, F.S.; eliminating certain requirements for residential treatment centers that provide services to commercially sexually exploited children; amending s. 409.175, F.S.; revising and providing definitions; requiring a guardian to apply for a license with the department to be eligible for the program; classifying family foster homes by licensure type; exempting certain household members from specified fingerprinting requirements; authorizing the department to adopt rules relating to certain summer camps; deleting references to preservice training requirements for emergency shelter parents; providing inservice training requirements for certain foster parents; amending s. 409.991, F.S.; revising the equity allocation formula for community-based care lead agencies; amending s. 435.07, F.S.; revising the offenses that disqualify certain child care personnel from specified employment; amending s. 627.746, F.S.; prohibiting insurers that issue insurance policies for private passenger motor vehicles from charging an additional premium for a minor who operates his or her caregiver's vehicle, during the time that the minor has a learner's driver's license; amending ss. 39.302, 394.495, 402.30501, 409.1676, 960.065, 1002.55, 1002.57, and 1002.59, F.S.; conforming cross-references; providing a directive to the Division of Law Revision and Information; providing an effective date.

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

Section 1. Subsection (29) of section 39.01, Florida Statutes, is renumbered as subsection (30), subsections (30) through (46) are renumbered as subsections (35) through (51), respectively, subsections (47) through (81) are renumbered as subsections (53) through (87), respectively, present subsections (2), (10), and (32) and paragraph (g) of present subsection (30) are

amended, and new subsections (29), (31), (32), (33), (34), and (52) are added to that section, to read:

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

(2) “Abuse” means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child’s physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

(10) “Caregiver” means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child’s welfare as defined in subsection (54) (48).

(29) “Fictive kin” means a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

(31) “Guardian” means a relative, nonrelative, next of kin, or fictive kin who is awarded physical custody of a child in a proceeding brought pursuant to this chapter.

(32) “Guardianship assistance payment” means a monthly cash payment made by the department to a guardian on behalf of an eligible child or young adult.

(33) “Guardianship Assistance Program” means a program that provides benefits to a child’s guardian on behalf of the child. Benefits may be in the form of a guardianship assistance payment, a guardianship nonrecurring payment, or Medicaid coverage.

(34) “Guardianship nonrecurring payment” means a one-time payment of up to \$2,000 made by the department to a guardian to assist with the expenses associated with obtaining legal guardianship of a child who is eligible for the Guardianship Assistance Program pursuant to s. 39.6225.

(35)~~(30)~~ “Harm” to a child’s health or welfare can occur when any person:

(g) Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:

1. A test, administered at birth, which indicated that the child's blood, urine, or meconium contained any amount of alcohol or a controlled substance or metabolites of such substances, the presence of which was not the result of medical treatment administered to the mother or the newborn infant; or

2. Evidence of extensive, abusive, and chronic use of a controlled substance or alcohol by a parent to the extent that the parent's ability to provide supervision and care for the child has been or is likely to be severely compromised ~~when the child is demonstrably adversely affected by such usage.~~

As used in this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

~~(37)~~(32) "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child's care as defined in subsection ~~(54)~~ (48).

(52) "Nonrelative" means a person unrelated by blood or marriage or a relative outside the fifth degree of consanguinity.

Section 2. Subsections (2) through (7) of section 39.0138, Florida Statutes, are renumbered as subsections (3) through (8), respectively, present subsections (2) and (3) are amended, and a new subsection (2) is added to that section, to read:

39.0138 Criminal history and other records checks; limit on placement of a child.—

(2)(a) The department shall establish rules for granting an exemption from the fingerprinting requirements under subsection (1) for a household member who has a physical, developmental, or cognitive disability that prevents that person from safely submitting fingerprints.

(b) Before granting an exemption, the department or its designee shall assess and document the physical, developmental, or cognitive limitations that justified the exemption and the effect of such limitations on the safety and well-being of the child being placed in the home.

(c) If a fingerprint exemption is granted, a level 1 screening pursuant to s. 435.03 shall be completed on the person who is granted the exemption.

~~(3)~~(2) The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:

- (a) Child abuse, abandonment, or neglect;
- (b) Domestic violence;
- (c) Child pornography or other felony in which a child was a victim of the offense; or
- (d) Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery, or resisting arrest with violence.

~~(4)(3)~~ The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has, within the previous 5 years, been convicted of a felony that falls within any of the following categories:

- (a) Assault;
- (b) Battery; ~~or~~
- (c) A drug-related offense; or
- (d) Resisting arrest with violence.

Section 3. Subsection (1) of section 39.302, Florida Statutes, is amended to read:

39.302 Protective investigations of institutional child abuse, abandonment, or neglect.—

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(37) ~~or (54) s. 39.01(32) or (48)~~, acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the timeframe established under s. 39.201(5) and notify the appropriate state attorney, law enforcement agency, and licensing agency, which shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting investigations or having face-to-face interviews with the child, investigation visits shall be unannounced unless it is determined by the department or its agent that unannounced visits threaten the safety of the child. If a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation is entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an interview with the child’s parent or legal guardian. The department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department.

Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

Section 4. Paragraph (c) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(c) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal guardian or custodian and the child to participate in treatment and services identified as necessary. The court may require the person who has custody or who is requesting custody of the child to submit to a mental health or substance abuse disorder assessment or evaluation. The order may be made only upon good cause shown and pursuant to notice and procedural requirements provided under the Florida Rules of Juvenile Procedure. The mental health assessment or evaluation must be administered by a qualified professional as defined in s. 39.01, and the substance abuse assessment or evaluation must be administered by a qualified professional as defined in s. 397.311. The court may also require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a mental health court program established under chapter 394 or a treatment-based drug court program established under s. 397.334. Adjudication of a child as dependent based upon evidence of harm as defined in s. 39.01(35)(g) ~~s. 39.01(30)(g)~~ demonstrates good cause, and the court shall require the parent whose actions caused the harm to submit to a substance abuse disorder assessment or evaluation and to participate and comply with treatment and services identified in the assessment or evaluation as being necessary. In addition to supervision by the department, the court, including the mental health court program or the treatment-based drug court program, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's

best interests. Any order entered under this subparagraph may be made only upon good cause shown. This subparagraph does not authorize placement of a child with a person seeking custody of the child, other than the child’s parent or legal custodian, who requires mental health or substance abuse disorder treatment.

2. Require, if the court deems necessary, the parties to participate in dependency mediation.

3. Require placement of the child either under the protective supervision of an authorized agent of the department in the home of one or both of the child’s parents or in the home of a relative of the child or another adult approved by the court, or in the custody of the department. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court’s discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department must set forth the powers of the custodian of the child and include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court’s termination of supervision by the department, further judicial reviews are not required if permanency has been established for the child.

4. Determine whether the child has a strong attachment to the prospective permanent guardian and whether such guardian has a strong commitment to permanently caring for the child.

Section 5. Paragraph (h) is added to subsection (2) of section 39.5085, Florida Statutes, to read:

39.5085 Relative Caregiver Program.—

(2)

(h) If the department determines that a nonrelative caregiver has received financial assistance under this section to which he or she is not entitled, the department shall take all necessary steps to recover such payment. The department may make appropriate settlements and may adopt rules to calculate and recover such payments.

Section 6. Paragraph (c) of subsection (1) of section 39.6012, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

39.6012 Case plan tasks; services.—

(1) The services to be provided to the parent and the tasks that must be completed are subject to the following:

(c) If there is evidence of harm as defined in s. 39.01(35)(g) ~~s. 39.01(30)(g)~~, the case plan must include as a required task for the parent whose actions caused the harm that the parent submit to a substance abuse disorder assessment or evaluation and participate and comply with treatment and services identified in the assessment or evaluation as being necessary.

(d) Parents must provide accurate contact information to the department or the contracted case management agency, and update as appropriate, and make proactive contact with the department or the contracted case management agency at least every 14 calendar days to provide information on the status of case plan task completion, barriers to completion, and plans toward reunification.

Section 7. Subsections (6) and (7) of section 39.6013, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

39.6013 Case plan amendments.—

(6) When determining whether to amend the case plan, the court must consider the length of time the case has been open, the level of parental engagement to date, the number of case plan tasks completed, the child's type of placement and attachment, and the potential for successful reunification.

Section 8. Subsection (5) of section 39.621, Florida Statutes, is amended to read:

39.621 Permanency determination by the court.—

(5) At the permanency hearing, the court shall determine:

(a) Whether the current permanency goal for the child is appropriate or should be changed;

(b) When the child will achieve one of the permanency goals; ~~and~~

(c) Whether the department has made reasonable efforts to finalize the permanency plan currently in effect; and

(d) Whether the frequency, duration, manner, and level of engagement of the parent or legal guardian's visitation with the child meets the case plan requirements.

Section 9. Paragraph (f) is added to subsection (1) of section 39.6221, Florida Statutes, to read:

39.6221 Permanent guardianship of a dependent child.—

(1) If a court determines that reunification or adoption is not in the best interest of the child, the court may place the child in a permanent

guardianship with a relative or other adult approved by the court if all of the following conditions are met:

(f) The child demonstrates a strong attachment to the prospective permanent guardian and such guardian has a strong commitment to permanently caring for the child.

Section 10. Section 39.6225, Florida Statutes, is created to read:

39.6225 Guardianship Assistance Program.—

(1) The department shall establish and operate the Guardianship Assistance Program to provide guardianship assistance payments to relatives, next of kin, and fictive kin who meet the eligibility requirements established in this section. For purposes of administering the program, the term:

(a) “Child” means an individual who has not attained 21 years of age.

(b) “Young adult” means an individual who has attained 18 years of age but who has not attained 21 years of age.

(2) To approve an application for the program, the department shall determine that all of the following requirements have been met:

(a) The child’s placement with the guardian has been approved by the court.

(b) The court has granted legal custody to the guardian pursuant to s. 39.521 or s. 39.522.

(c) The guardian has been licensed to care for the child as provided in s. 409.175.

(d) The child was eligible for foster care room and board payments pursuant to s. 409.145 for at least 6 consecutive months while the child resided in the home of the guardian and the guardian was licensed as a foster parent.

(3) A guardian who has entered into a guardianship agreement for a dependent child may also receive guardianship assistance payments for a dependent sibling of that dependent child as a result of a court determination of child abuse, neglect, or abandonment and subsequent placement of the child with the relative under this part.

(4) The department shall complete an annual redetermination of eligibility for recipients of guardianship assistance benefits. If the department determines that a recipient is no longer eligible for guardianship assistance benefits, such benefits shall be terminated.

(5) A guardian with an application approved pursuant to subsection (2) who is caring for a child placed with the guardian by the court pursuant to

this part may receive guardianship assistance payments based on the following criteria:

(a) A child eligible for cash benefits through the program is not eligible to simultaneously have payments made on the child's behalf through the Relative Caregiver Program under s. 39.5085, postsecondary education services and supports under s. 409.1451, or child-only cash assistance under chapter 414.

(b) Guardianship assistance payments are not contingent upon continued residency in the state. Guardianship assistance payments must continue for court-approved permanent guardians who move out of state and continue to meet the requirements of this subsection and as specified in department rule. Relicensure of the out-of-state guardian's home is not required for continuity of payments.

(c) Guardianship assistance payments for a child from another state who is placed with a guardian in this state are the responsibility of the other state.

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

(e) Payments made pursuant to this section shall cease when the child attains 18 years of age, except as provided in subsection (9).

(6) Guardianship assistance benefits shall be terminated if:

(a) The child is absent from the home of the guardian for a period of at least 60 consecutive calendar days, unless the child:

1. Is absent due to medical care, school attendance, runaway status, or detention in a Department of Juvenile Justice facility; and

2. Continues to be under the care and custody of the guardian.

(b) The court modifies the placement of the child and the guardian is no longer eligible to receive guardianship assistance benefits.

(7) The department shall provide guardianship nonrecurring payments. Eligible expenses include, but are not limited to, the cost of a home study, court costs, attorney fees, and costs of physical and psychological

examinations. Such payments are also available for a sibling placed in the same home as the child.

(8) A child receiving assistance under this section is eligible for Medicaid coverage until the child attains 18 years of age, or until the child attains 21 years of age if he or she meets the requirements of subsection (9).

(9) Guardianship assistance payments shall only be made for a young adult whose permanent guardian entered into a guardianship assistance agreement after the child attained 16 years of age but before the child attained 18 years of age if the child is:

(a) Completing secondary education or a program leading to an equivalent credential;

(b) Enrolled in an institution that provides postsecondary or vocational education;

(c) Participating in a program or activity designed to promote or eliminate barriers to employment;

(d) Employed for at least 80 hours per month; or

(e) Unable to participate in programs or activities listed in paragraphs (a)-(d) full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the child’s case file or school or medical records of a physical, intellectual, emotional, or psychiatric condition that impairs the child’s ability to perform one or more life activities.

(10) The case plan must describe the following for each child with a permanency goal of permanent guardianship in which the guardian is in receipt of guardianship assistance payments:

(a) The manner in which the child meets program eligibility requirements.

(b) The manner in which the department determined that reunification or adoption is not appropriate.

(c) Efforts to discuss adoption with the child’s permanent guardian.

(d) Efforts to discuss guardianship assistance with the child’s parent or the reasons why efforts were not made.

(e) The reasons why a permanent placement with the prospective guardian is in the best interest of the child.

(f) The reasons why the child is separated from his or her siblings during placement, if applicable.

(g) Efforts to consult the child, if the child is 14 years of age or older, regarding the permanent guardianship arrangement.

(11) The department shall adopt rules to administer the program.

(12) The department shall develop and implement a comprehensive communications strategy in support of relatives and fictive kin who are prospective caregivers. This strategy shall provide such prospective caregivers with information on supports and services available under state law. At a minimum, the department's communication strategy shall involve providing prospective caregivers with information about:

(a) Eligibility criteria, monthly payment rates, terms of payment, and program or licensure requirements for the Relative Caregiver Program, the Guardianship Assistance Program, and licensure as a Level I or Level II family foster home as provided in s. 409.175.

(b) A detailed description of the process for licensure as a Level I or Level II family foster home and for applying for the Relative Caregiver program.

(c) Points of contact for addressing questions or obtaining assistance in applying for programs or licensure.

(13) The Florida Institute for Child Welfare shall evaluate the implementation of the Guardianship Assistance Program. This evaluation shall be designed to determine the impact of implementation of the Guardianship Assistance Program, identify any barriers that may prevent eligible caregivers from participating in the program, and identify recommendations regarding enhancements to the state's system of supporting kinship caregivers. The institute shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2021. At a minimum, the evaluation shall include:

(a) Information about the perspectives and experiences of program participants, individuals who applied for licensure as child-specific foster homes or program participation but were determined to be ineligible, and individuals who were likely eligible for licensure as a child-specific foster home or for the program but declined to apply. The institute shall collect this information through methodologies including, but not limited to, surveys and focus groups.

(b) An assessment of any communications procedures and print and electronic materials developed to publicize the program and recommendations for improving these materials. If possible, individuals with expertise in marketing and communications shall contribute to this assessment.

(c) An analysis of the program's impact on caregivers and children, including any differences in impact on children placed with caregivers who were licensed and those who were not.

(d) Recommendations for maximizing participation by eligible caregivers and improving the support available to kinship caregivers.

(14) The program shall take effect July 1, 2019.

Section 11. Paragraph (b) of subsection (6) and subsection (7) of section 39.6251, Florida Statutes, are amended to read:

39.6251 Continuing care for young adults.—

(6) A young adult who is between the ages of 18 and 21 and who has left care may return to care by applying to the community-based care lead agency for readmission. The community-based care lead agency shall readmit the young adult if he or she continues to meet the eligibility requirements in this section.

(b) Within 30 days after the young adult has been readmitted to care, the community-based care lead agency shall assign a case manager to update the case plan and the transition plan and to arrange for the required services. Updates to the case plan and the transition plan and arrangements for the required services ~~Such activities~~ shall be undertaken in consultation with the young adult. The department shall petition the court to reinstate jurisdiction over the young adult. Notwithstanding s. 39.013(2), the court shall resume jurisdiction over the young adult if the department establishes that he or she continues to meet the eligibility requirements in this section.

(7) During each period of time that a young adult is in care, the community-based lead agency shall provide regular case management reviews that must include at least monthly face-to-face meetings ~~contact~~ with the case manager. ~~If a young adult lives outside the service area of his or her community-based care lead agency, monthly contact may occur by telephone.~~

Section 12. Paragraph (d) of subsection (2) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

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

(d) Orders.—

1. Based upon the criteria set forth in paragraph (c) and the recommended order of the citizen review panel, if any, the court shall determine whether or not the social service agency shall initiate proceedings to have a child declared a dependent child, return the child to the parent, continue the child in out-of-home care for a specified period of time, or initiate termination of parental rights proceedings for subsequent placement in an adoptive home. Amendments to the case plan must be prepared as prescribed in s. 39.6013. If the court finds that the prevention or

reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for the creation of the case plan have been remedied to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered.

2. The court shall return the child to the custody of the parents at any time it determines that they have substantially complied with the case plan, if the court is satisfied that reunification will not be detrimental to the child's safety, well-being, and physical, mental, and emotional health.

3. If, in the opinion of the court, the social service agency has not complied with its obligations as specified in the written case plan, the court may find the social service agency in contempt, shall order the social service agency to submit its plans for compliance with the agreement, and shall require the social service agency to show why the child could not safely be returned to the home of the parents.

4. If, at any judicial review, the court finds that the parents have failed to substantially comply with the case plan to the degree that further reunification efforts are without merit and not in the best interest of the child, on its own motion, the court may order the filing of a petition for termination of parental rights, whether or not the time period as contained in the case plan for substantial compliance has expired.

5. Within 6 months after the date that the child was placed in shelter care, the court shall conduct a judicial review hearing to review the child's permanency goal as identified in the case plan. At the hearing the court shall make findings regarding the likelihood of the child's reunification with the parent or legal custodian. In making such findings, the court shall consider the level of the parent or legal custodian's compliance with the case plan and demonstrated change in protective capacities compared to that necessary to achieve timely reunification within 12 months after the removal of the child from the home. The court shall also consider the frequency, duration, manner, and level of engagement of the parent or legal custodian's visitation with the child in compliance with the case plan. If the court makes a written finding that it is not likely that the child will be reunified with the parent or legal custodian within 12 months after the child was removed from the home, the department must file with the court, and serve on all parties, a motion to amend the case plan under s. 39.6013 and declare that it will use concurrent planning for the case plan. The department must file the motion within 10 business days after receiving the written finding of the court. The department must attach the proposed amended case plan to the motion. If concurrent planning is already being used, the case plan must document the efforts the department is taking to complete the concurrent goal.

6. The court may issue a protective order in assistance, or as a condition, of any other order made under this part. In addition to the requirements included in the case plan, the protective order may set forth requirements

relating to reasonable conditions of behavior to be observed for a specified period of time by a person or agency who is before the court; and the order may require any person or agency to make periodic reports to the court containing such information as the court in its discretion may prescribe.

Section 13. Paragraphs (b) and (e) of subsection (3) of section 63.092, Florida Statutes, are amended to read:

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

(3) PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a child-caring agency registered under s. 409.176, a licensed professional, or an agency described in s. 61.20(2), unless the adoptee is an adult or the petitioner is a stepparent or a relative. If the adoptee is an adult or the petitioner is a stepparent or a relative, a preliminary home study may be required by the court for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, child-caring agency registered under s. 409.176, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to identification of a prospective adoptive minor. A favorable preliminary home study is valid for 1 year after the date of its completion. Upon its completion, a signed copy of the home study must be provided to the intended adoptive parents who were the subject of the home study. A minor may not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(b) Records checks of the department's central abuse registry, which the department shall provide to the entity conducting the preliminary home study, and criminal records correspondence checks under s. 39.0138 through the Department of Law Enforcement on the intended adoptive parents;

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

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

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

Section 14. Subsection (4) of section 322.09, Florida Statutes, is amended to read:

322.09 Application of minors; responsibility for negligence or misconduct of minor.—

(4) Notwithstanding subsections (1) and (2), if a ~~caregiver foster parent~~ of a minor who is under the age of 18 years and is in ~~out-of-home foster care~~ as defined in s. 39.01(49) ~~s. 39.01~~, an authorized representative of a residential group home at which such a minor resides, the caseworker at the agency at which the state has placed the minor, or a guardian ad litem specifically authorized by the minor's caregiver to sign for a learner's driver license signs the minor's application for a learner's driver license, that ~~caregiver foster parent~~, group home representative, caseworker, or guardian ad litem does not assume any obligation or become liable for any damages caused by the negligence or willful misconduct of the minor by reason of having signed the application. Before signing the application, the ~~caseworker, authorized group home representative, or guardian ad litem~~ shall notify the ~~caregiver foster parent~~ or other responsible party of his or her intent to sign and verify the application.

Section 15. Paragraph (p) of subsection (4) of section 394.495, Florida Statutes, is amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(4) The array of services may include, but is not limited to:

(p) Trauma-informed services for children who have suffered sexual exploitation as defined in s. 39.01(77)(g) ~~s. 39.01(71)(g)~~.

Section 16. Paragraphs (b) through (f) of subsection (2) of section 402.305, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, paragraph (a) of subsection (2) and subsections (9) and (10) are amended, and a new paragraph (b) is added to that subsection (2), to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(a) Good moral character based upon screening as defined in s. 402.302(15). This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter, and include employment history checks, a search of criminal history records,

sexual predator and sexual offender registries, and child abuse and neglect registry of any state in which the current or prospective child care personnel resided during the preceding 5 years.

(b) Fingerprint submission for child care personnel, which shall comply with s. 435.12.

(9) ADMISSIONS AND RECORDKEEPING.—

(a) Minimum standards shall include requirements for preadmission and periodic health examinations, requirements for immunizations, and requirements for maintaining emergency information and health records on all children.

(b) During the months of August and September of each year, each child care facility shall provide parents of children enrolled in the facility detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(c) During the months of April and September of each year, at a minimum, each facility shall provide parents of children enrolled in the facility information regarding the potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination. The child care facility shall also give parents information about resources with suggestions to avoid this occurrence. The department shall develop a flyer or brochure with this information that shall be posted to the department's website, which child care facilities may choose to reproduce and provide to parents to satisfy the requirements of this paragraph.

~~(d)~~(e) Because of the nature and duration of drop-in child care, requirements for preadmission and periodic health examinations and requirements for medically signed records of immunization required for child care facilities shall not apply. A parent of a child in drop-in child care shall, however, be required to attest to the child's health condition and the type and current status of the child's immunizations.

~~(e)~~(d) Any child shall be exempt from medical or physical examination or medical or surgical treatment upon written request of the parent or guardian of such child who objects to the examination and treatment. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated because of any exemption from or variation of the health and immunization minimum standards.

(10) TRANSPORTATION SAFETY.—Minimum standards shall include requirements for child restraints or seat belts in vehicles used by child care

facilities and large family child care homes to transport children, requirements for annual inspections of the vehicles, limitations on the number of children in the vehicles, procedures to avoid leaving children in vehicles when transported by the facility, and accountability for children being transported by the child care facility. A child care facility is not responsible for children when they are transported by a parent or guardian.

Section 17. Section 402.30501, Florida Statutes, is amended to read:

402.30501 Modification of introductory child care course for community college credit authorized.—The Department of Children and Families may modify the 40-clock-hour introductory course in child care under s. 402.305 or s. 402.3131 to meet the requirements of articulating the course to community college credit. Any modification must continue to provide that the course satisfies the requirements of s. 402.305(2)(e) ~~s. 402.305(2)(d)~~.

Section 18. Subsection (15) is added to section 402.313, Florida Statutes, to read:

402.313 Family day care homes.—

(15) During the months of April and September of each year, at a minimum, each family day care home shall provide parents of children attending the family day care home information regarding the potential for a distracted adult to fail to drop off a child at the family day care home and instead leave the child in the adult's vehicle upon arrival at the adult's destination. The family day care home shall also give parents information about resources with suggestions to avoid this occurrence. The department shall develop a flyer or brochure with this information that shall be posted to the department's website, which family day care homes may choose to reproduce and provide to parents to satisfy the requirements of this subsection.

Section 19. Subsection (10) is added to section 402.3131, Florida Statutes, to read:

402.3131 Large family child care homes.—

(10) During the months of April and September of each year, at a minimum, each large family child care home shall provide parents of children attending the large family child care home information regarding the potential for a distracted adult to fail to drop off a child at the large family child care home and instead leave the child in the adult's vehicle upon arrival at the adult's destination. The large family child care home shall also give parents information about resources with suggestions to avoid this occurrence. The department shall develop a flyer or brochure with this information that shall be posted to the department's website, which large family child care homes may choose to reproduce and provide to parents to satisfy the requirements of this subsection.

Section 20. Subsection (4) of section 409.145, Florida Statutes, is amended to read:

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

(4) FOSTER CARE PARENT ROOM AND BOARD RATES.—

(a) ~~Effective July 1, 2018~~ ~~January 1, 2014~~, room and board rates shall be paid to foster parents are as follows:

Monthly Foster Care Rate					
0-5 Years		6-12 Years		13-21 Years	
Age		Age		Age	
\$457.95	<u>\$429</u>	\$469.68	<u>\$440</u>	\$549.74	<u>\$515</u>

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

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

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

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

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

(g)(d) From July 1, 2018, through June 30, 2019, community-based care lead agencies providing care under contract with the department shall pay a supplemental room and board payment to foster care parents of all family foster homes, on a per-child basis, for providing independent life skills and normalcy supports to children who are 13 through 17 years of age placed in

their care. The supplemental payment shall be paid monthly to the foster care parents ~~on a per-child basis~~ in addition to the current monthly room and board rate payment. The supplemental monthly payment shall be based on 10 percent of the monthly room and board rate for children 13 through 21 years of age as provided under this section and adjusted annually. Effective July 1, 2019, such supplemental payments shall only be paid to foster parents of level II through level V family foster homes.

Section 21. Subsections (4) and (5) of section 409.166, Florida Statutes, are amended to read:

409.166 Children within the child welfare system; adoption assistance program.—

(4) ADOPTION ASSISTANCE.—

(a) For purposes of administering payments under paragraph (d), the term:

1. “Child” means an individual who has not attained 21 years of age.
2. “Young adult” means an individual who has attained 18 years of age but who has not attained 21 years of age.

~~(b)(a)~~ A maintenance subsidy shall be granted only when all other resources available to a child have been thoroughly explored and it can be clearly established that this is the most acceptable plan for providing permanent placement for the child. The maintenance subsidy may not be used as a substitute for adoptive parent recruitment or as an inducement to adopt a child who might be placed without providing a subsidy. However, it shall be the policy of the department that no child be denied adoption if providing a maintenance subsidy would make adoption possible. The best interest of the child shall be the deciding factor in every case. This section does not prohibit foster parents from applying to adopt a child placed in their care. Foster parents or relative caregivers must be asked if they would adopt without a maintenance subsidy.

~~(c)(b)~~ The department shall provide adoption assistance to the adoptive parents, subject to specific appropriation, in the amount of \$5,000 annually, paid on a monthly basis, for the support and maintenance of a child until the 18th birthday of such child or in an amount other than \$5,000 annually as determined by the adoptive parents and the department and memorialized in a written agreement between the adoptive parents and the department. The agreement shall take into consideration the circumstances of the adoptive parents and the needs of the child being adopted. The amount of subsidy may be adjusted based upon changes in the needs of the child or circumstances of the adoptive parents. Changes shall not be made without the concurrence of the adoptive parents. However, in no case shall the amount of the monthly payment exceed the foster care maintenance

payment that would have been paid during the same period if the child had been in a foster family home.

(d) Effective January 1, 2019, adoption assistance payments may be made for a child whose adoptive parent entered into an initial adoption assistance agreement after the child reached 16 years of age but before the child reached 18 years of age. Such payments may be made until the child reaches age 21 if the child is:

1. Completing secondary education or a program leading to an equivalent credential;

2. Enrolled in an institution that provides postsecondary or vocational education;

3. Participating in a program or activity designed to promote or eliminate barriers to employment;

4. Employed for at least 80 hours per month; or

5. Unable to participate in programs or activities listed in subparagraphs 1.-4. full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the child’s case file or school or medical records of a physical, intellectual, emotional, or psychiatric condition that impairs the child’s ability to perform one or more life activities.

(e) A child or young adult receiving benefits through the adoption assistance program is not eligible to simultaneously receive relative caregiver benefits under s. 39.5085 or postsecondary education services and support under s. 409.1451.

(f)(e) The department may provide adoption assistance to the adoptive parents, subject to specific appropriation, for medical assistance initiated after the adoption of the child for medical, surgical, hospital, and related services needed as a result of a physical or mental condition of the child which existed before the adoption and is not covered by Medicaid, Children’s Medical Services, or Children’s Mental Health Services. Such assistance may be initiated at any time but shall terminate on or before the child’s 18th birthday.

(5) ELIGIBILITY FOR SERVICES.—

(a) As a condition of ~~receiving~~ providing adoption assistance under this section, the adoptive parents must have an approved adoption home study before the adoption is finalized and must enter into an adoption-assistance agreement with the department before the adoption is finalized which specifies the financial assistance and other services to be provided.

(b) A child who is handicapped at the time of adoption shall be eligible for services through the Children’s Medical Services network established under

part I of chapter 391 if the child was eligible for such services prior to the adoption.

Section 22. Paragraph (b) of subsection (2) of section 409.1676, Florida Statutes, is amended to read:

409.1676 Comprehensive residential group care services to children who have extraordinary needs.—

(2) As used in this section, the term:

(b) “Residential group care” means a living environment for children who have been adjudicated dependent and are expected to be in foster care for at least 6 months with 24-hour-awake staff or live-in group home parents or staff. Each facility must be appropriately licensed in this state as a residential child caring agency as defined in s. 409.175(2)(1) ~~s. 409.175(2)(j)~~ and must be accredited by July 1, 2005. A residential group care facility serving children having a serious behavioral problem as defined in this section must have available staff or contract personnel with the clinical expertise, credentials, and training to provide services identified in subsection (4).

Section 23. Subsection (3) of section 409.1678, Florida Statutes, is amended to read:

409.1678 Specialized residential options for children who are victims of commercial sexual exploitation.—

(3) SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR HOSPITAL.—Residential treatment centers licensed under s. 394.875, and hospitals licensed under chapter 395 that provide residential mental health treatment, shall provide specialized treatment for commercially sexually exploited children in the custody of the department who are placed in these facilities pursuant to s. 39.407(6), s. 394.4625, or s. 394.467.

(a) The specialized treatment must meet the requirements of subparagraphs ~~(2)(c)1., 3., 6., and 7. (2)(e)1. and 3.-7.~~, paragraph (2)(d), and the department’s treatment standards adopted pursuant to this section. However, a residential treatment center or hospital may prioritize the delivery of certain services among those required under paragraph (2)(d) to meet the specific treatment needs of the child.

(b) The facilities shall ensure that children are served in single-sex groups and that staff working with such children are adequately trained in the effects of trauma and sexual exploitation, the needs of child victims of commercial sexual exploitation, and how to address those needs using strength-based and trauma-informed approaches.

Section 24. Subsections (2) and (5), paragraphs (a) and (k) of subsection (6), paragraph (b) of subsection (9), paragraphs (a) and (b) of subsection (10),

paragraph (a) of subsection (11), paragraph (b) of subsection (12), and subsection (14) of section 409.175, Florida Statutes, are amended to read:

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

(2) As used in this section, the term:

(a) “Agency” means a residential child-caring agency or a child-placing agency.

(b) “Boarding school” means a school that is registered with the Department of Education as a school that provides a residential service for students and that is either:

1. Accredited for academic programs by the Florida Council of Independent Schools, the Southern Association of Colleges and Schools, an accrediting association that is a member of the National Council for Private School Accreditation, or an accrediting association that is a member of the Florida Association of Academic Nonpublic Schools, and that is accredited for residential programs by the Council on Accreditation, the Commission on Accreditation of Rehabilitation Facilities, or the Coalition for Residential Education; or

2. Accredited by one of the organizations specified in subparagraph 1. as a boarding school that includes both an academic and residential component in its accreditation.

(c) “Child” means any unmarried person under the age of 18 years.

(d) “Child-placing agency” means any person, corporation, or agency, public or private, other than the parent or legal guardian of the child or an intermediary acting pursuant to chapter 63, that receives a child for placement and places or arranges for the placement of a child in a family foster home, residential child-caring agency, or adoptive home.

(e) “Family foster home” means a private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. The term does not include an adoptive home that has been approved by the department or approved by a licensed child-placing agency for children placed for adoption. Such homes include emergency shelter family homes and specialized foster homes for children with special needs. A person who cares for a child of a friend for a period not to exceed 90 days, a relative who cares for a child and does not receive reimbursement for such care from the state or federal government, or an adoptive home which has been approved by the department or by a licensed child-placing agency for children placed for adoption is not considered a family foster home.

(f) “License” means “license” as defined in s. 120.52(10). A license under this section is issued to a family foster home or other facility and is not a professional license of any individual. Receipt of a license under this section

shall not create a property right in the recipient. A license under this act is a public trust and a privilege, and is not an entitlement. This privilege must guide the finder of fact or trier of law at any administrative proceeding or court action initiated by the department.

(g) “Licensing home study” means a documented assessment, as defined by department rule, to determine the safety and appropriateness of any 24-hour living arrangement for a child who is unattended by a parent or legal guardian. A primary caregiver issued a license for a specific child may apply for a waiver of the non-safety-related and non-health-related elements of a licensing home study under the Guardianship Assistance Program established in s. 39.6225.

~~(h)~~^(g) “Operator” means any onsite person ultimately responsible for the overall operation of a child-placing agency, family foster home, or residential child-caring agency, whether or not she or he is the owner or administrator of such an agency or home.

~~(i)~~^(h) “Owner” means the person who is licensed to operate the child-placing agency, family foster home, or residential child-caring agency.

~~(j)~~⁽ⁱ⁾ “Personnel” means all owners, operators, employees, and volunteers working in a child-placing agency, family foster home, or residential child-caring agency who may be employed by or do volunteer work for a person, corporation, or agency that holds a license as a child-placing agency or a residential child-caring agency, but the term does not include those who do not work on the premises where child care is furnished and have no direct contact with a child or have no contact with a child outside of the presence of the child’s parent or guardian. For purposes of screening, the term includes any member, over the age of 12 years, of the family of the owner or operator or any person other than a client, over the age of 12 years, residing with the owner or operator if the agency or family foster home is located in or adjacent to the home of the owner or operator or if the family member of, or person residing with, the owner or operator has any direct contact with the children. Members of the family of the owner or operator, or persons residing with the owner or operator, who are between the ages of 12 years and 18 years are not required to be fingerprinted, but must be screened for delinquency records. For purposes of screening, the term also includes owners, operators, employees, and volunteers working in summer day camps, or summer 24-hour camps providing care for children. A volunteer who assists on an intermittent basis for less than 10 hours per month shall not be included in the term “personnel” for the purposes of screening if a person who meets the screening requirement of this section is always present and has the volunteer in his or her line of sight.

(k) “Placement screening” means the act of assessing the background of household members in the family foster home and includes, but is not limited to, criminal history records checks as provided in s. 39.0138 using the standards for screening set forth in that section. The term “household member” means a member of the family or a person, other than the child

being placed, over the age of 12 years who resides with the owner who operates the family foster home if such family member or person has any direct contact with the child. Household members who are between the ages of 12 and 18 years are not required to be fingerprinted but must be screened for delinquency records.

(l)(j) “Residential child-caring agency” means any person, corporation, or agency, public or private, other than the child’s parent or legal guardian, that provides staffed 24-hour care for children in facilities maintained for that purpose, regardless of whether operated for profit or whether a fee is charged. Such residential child-caring agencies include, but are not limited to, maternity homes, runaway shelters, group homes that are administered by an agency, emergency shelters that are not in private residences, and wilderness camps. Residential child-caring agencies do not include hospitals, boarding schools, summer or recreation camps, nursing homes, or facilities operated by a governmental agency for the training, treatment, or secure care of delinquent youth, or facilities licensed under s. 393.067 or s. 394.875 or chapter 397.

(m)(k) “Screening” means the act of assessing the background of personnel and includes, but is not limited to, employment history checks as provided in chapter 435, using the level 2 standards for screening set forth in that chapter.

(n) “Severe disability” means a physical, developmental, or cognitive limitation affecting an individual’s ability to safely submit fingerprints.

(o)(4) “Summer day camp” means recreational, educational, and other enrichment programs operated during summer vacations for children who are 5 years of age on or before September 1 and older.

(p)(m) “Summer 24-hour camp” means recreational, educational, and other enrichment programs operated on a 24-hour basis during summer vacation for children who are 5 years of age on or before September 1 and older, that are not exclusively educational.

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

(a) Family foster homes shall be classified by levels of licensure, as follows:

1. Level I.—

a. Type of licensure.—Child-specific foster home.

b. Licensure requirements.—The caregiver must meet all level II requirements pursuant to this section. However, requirements not directly related to safety may be waived.

2. Level II.—

a. Type of licensure.—Non-child-specific foster home.

b. Licensure requirements.—The caregiver must meet all licensing requirements pursuant to paragraph (b).

3. Level III.—

a. Type of licensure.—Safe foster home for victims of human trafficking.

b. Licensure requirements.—The caregiver must meet all licensing requirements pursuant to paragraph (b) and all certification requirements pursuant to s. 409.1678.

4. Level IV.—

a. Type of licensure.—Therapeutic foster home.

b. Licensure requirements.—The caregiver must meet all licensing requirements pursuant to paragraph (b) and all certification requirements established in rule by the Agency for Health Care Administration.

5. Level V.—

a. Type of licensure.—Medical foster home.

b. Licensure requirements.—The caregiver must meet all licensing requirements pursuant to paragraph (b) and all certification requirements established in rule by the Agency for Health Care Administration. The department may also adopt rules relating to the screening requirements for summer day camps and summer 24-hour camps.

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

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

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

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

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

5. The good moral character based upon screening, education, training, and experience requirements for personnel.

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

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

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

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

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

11. The transportation safety of children served.

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

13. Provisions to safeguard the legal rights of children served.

~~(c)(b)~~ The requirements for the licensure and operation of a child-placing agency shall also include compliance with the requirements of ss. 63.0422 and 790.335.

~~(d)(e)~~ The department shall randomly drug test a licensed foster parent if there is a reasonable suspicion that he or she is using illegal drugs. The cost of testing shall be paid by the foster parent but shall be reimbursed by the department if the test is negative. The department may adopt rules necessary to administer this paragraph.

~~(e)(d)~~ In ~~adopting~~ promulgating licensing rules pursuant to this section, the department may make distinctions among types of care; numbers of children served; and the physical, mental, emotional, and educational needs of the children to be served by a home or agency.

~~(f)(e)~~ The department may ~~shall~~ not adopt rules which interfere with the free exercise of religion or which regulate religious instruction or teachings in any child-caring or child-placing home or agency. This section may not; ~~however, nothing herein shall~~ be construed to allow religious instruction or teachings that are inconsistent with the health, safety, or well-being of any

child; with public morality; or with the religious freedom of children, parents, or legal guardians who place their children in such homes or agencies.

(g)(f) The department's rules shall include adoption of a form to be used by child-placing agencies during an adoption home study that requires all prospective adoptive applicants to acknowledge in writing the receipt of a document containing solely and exclusively the language provided for in s. 790.174 verbatim.

(6)(a) An application for a license shall be made on forms provided, and in the manner prescribed, by the department. The department shall make a determination as to the good moral character of the applicant based upon screening. The department may grant an exemption from fingerprinting requirements, pursuant to s. 39.0138, for an adult household member who has a severe disability.

(k) The department may not license summer day camps or summer 24-hour camps. However, the department shall have access to the personnel records of such facilities to ensure compliance with the screening requirements. The department may adopt rules relating to the screening requirements for summer day camps and summer 24-hour camps.

(9)

(b) Any of the following actions by a home or agency or its personnel is a ground for denial, suspension, or revocation of a license:

1. An intentional or negligent act materially affecting the health or safety of children in the home or agency.

2. A violation of the provisions of this section or of licensing rules promulgated pursuant to this section.

3. Noncompliance with the requirements for good moral character as specified in paragraph ~~(5)(b)~~ ~~(5)(a)~~.

4. Failure to dismiss personnel found in noncompliance with requirements for good moral character.

5. Failure to comply with the requirements of ss. 63.0422 and 790.335.

(10)(a) The department may institute injunctive proceedings in a court of competent jurisdiction to:

1. Enforce the provisions of this section or any license requirement, rule, or order issued or entered into pursuant thereto; or

2. Terminate the operation of an agency in which any of the following conditions exist:

a. The licensee has failed to take preventive or corrective measures in accordance with any order of the department to maintain conformity with licensing requirements.

b. There is a violation of any of the provisions of this section, or of any licensing requirement promulgated pursuant to this section, which violation threatens harm to any child or which constitutes an emergency requiring immediate action.

3. Terminate the operation of a summer day camp or summer 24-hour camp providing care for children when such camp has willfully and knowingly refused to comply with the screening requirements for personnel or has refused to terminate the employment of personnel found to be in noncompliance with the requirements for good moral character as determined in paragraph (5)(b) ~~(5)(a)~~.

(b) If the department finds, within 30 days after written notification by registered mail of the requirement for licensure, that a person or agency continues to care for or to place children without a license or, within 30 days after written notification by registered mail of the requirement for screening of personnel and compliance with paragraph (5)(b) ~~(5)(a)~~ for the hiring and continued employment of personnel, that a summer day camp or summer 24-hour camp continues to provide care for children without complying, the department shall notify the appropriate state attorney of the violation of law and, if necessary, shall institute a civil suit to enjoin the person or agency from continuing the placement or care of children or to enjoin the summer day camp or summer 24-hour camp from continuing the care of children.

(12)

(b) It is unlawful for any person, agency, summer day camp, or summer 24-hour camp providing care for children to:

1. Willfully or intentionally fail to comply with the requirements for the screening of personnel or the dismissal of personnel found not to be in compliance with the requirements for good moral character as specified in paragraph (5)(b) ~~(5)(a)~~.

2. Use information from the criminal records obtained under this section for any purpose other than screening a person for employment as specified in this section or to release such information to any other person for any purpose other than screening for employment as specified in this section.

(11)(a) The department is authorized to seek compliance with the licensing requirements of this section to the fullest extent possible by reliance on administrative sanctions and civil actions and may provide an exception of those standards for which a waiver has been granted pursuant to this section.

(14)(a) In order to provide improved services to children, the department shall provide or cause to be provided preservice training for prospective

foster parents and emergency shelter parents and inservice training for foster parents and emergency shelter parents who are licensed and supervised by the department.

(b) As a condition of licensure, foster parents and emergency shelter parents shall successfully complete a minimum of 21 hours of preservice training. The preservice training shall be uniform statewide and shall include, but not be limited to, such areas as:

1. Orientation regarding agency purpose, objectives, resources, policies, and services;
2. Role of the foster parent and the emergency shelter parent as a treatment team member;
3. Transition of a child into and out of foster care and emergency shelter care, including issues of separation, loss, and attachment;
4. Management of difficult child behavior that can be intensified by placement, by prior abuse or neglect, and by prior placement disruptions;
5. Prevention of placement disruptions;
6. Care of children at various developmental levels, including appropriate discipline; and
7. Effects of foster parenting on the family of the foster parent and the emergency shelter parent.

(c) In consultation with foster parents, each region ~~district~~ or lead agency shall develop a plan for making the completion of the required training as convenient as possible for potential foster parents and emergency shelter parents. The plan should include, without limitation, such strategies as providing training in nontraditional locations and at nontraditional times. The plan must be revised at least annually and must be included in the information provided to each person applying to become a foster parent or emergency shelter parent.

(d) Prior to licensure renewal, each level II through level V foster parent and emergency shelter parent shall successfully complete 8 hours of inservice training. Each level I foster parent shall successfully complete 4 hours of inservice training. Periodic time-limited training courses shall be made available for selective use by foster parents and emergency shelter parents. Such inservice training shall include subjects affecting the daily living experiences of foster parenting as a foster parent or as an emergency shelter parent, whichever is appropriate. For a foster parent or emergency shelter parent participating in the required inservice training, the department shall reimburse such parent for travel expenditures and, if both parents in a home are attending training or if the absence of the parent would leave the children without departmentally approved adult supervision, either the department shall make provision for child care or shall

reimburse the foster or emergency shelter parents for child care purchased by the parents for children in their care.

Section 25. Paragraph (e) of subsection (1) and subsections (2) and (4) of section 409.991, Florida Statutes, are amended to read:

409.991 Allocation of funds for community-based care lead agencies.—

(1) As used in this section, the term:

(e) “Proportion of children in care” means the proportion of the number of children in care receiving in-home services over the most recent 12-month period, the number of children whose families are receiving family support services over the most recent 12-month period, and the number of children who have entered into in out-of-home care with a case management overlay during the most recent 24-month ~~12-month~~ period. This subcomponent shall be weighted as follows:

1. Fifteen percent shall be based on children whose families are receiving family support services.

2.1. Fifty-five ~~Sixty~~ percent shall be based on children in out-of-home care.

3.2. Thirty ~~Forty~~ percent shall be based on children in in-home care.

(2) The equity allocation of core services funds shall be calculated based on the following weights:

(a) Proportion of the child population shall be weighted as 5 percent of the total.;

(b) Proportion of child abuse hotline workload shall be weighted as 35 ~~15~~ percent of the total.;

(c) Proportion of children in care shall be weighted as 60 ~~80~~ percent of the total.

(4) Unless otherwise specified in the General Appropriations Act, any new core services funds shall be allocated based on the equity allocation model as follows:

(a) Seventy ~~Twenty~~ percent of new funding shall be allocated among all community-based care lead agencies.

(b) Thirty ~~Eighty~~ percent of new funding shall be allocated among community-based care lead agencies that are funded below their equitable share. Funds allocated pursuant to this paragraph shall be weighted based on each community-based care lead agency’s relative proportion of the total amount of funding below the equitable share.

Section 26. Subsection (4) of section 435.07, Florida Statutes, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(4)(a) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any personnel who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03 or s. 435.04 solely by reason of any pardon, executive clemency, or restoration of civil rights.

(b) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any person who is a:

1. Sexual predator as designated pursuant to s. 775.21;
2. Career offender pursuant to s. 775.261; or
3. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

(c) Disqualification from employment under this chapter may not be removed from, and an exemption may not be granted to, any current or prospective child care personnel, as defined in s. 402.302(3), and such a person is disqualified from employment as child care personnel, regardless of any previous exemptions from disqualification, if the person has been registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been arrested for and is awaiting final disposition of, has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or a similar law of another jurisdiction:

1. A felony offense prohibited under any of the following statutes:
 - a. Chapter 741, relating to domestic violence.
 - b. Section 782.04, relating to murder.
 - c. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.
 - d. Section 784.021, relating to aggravated assault.
 - e. Section 784.045, relating to aggravated battery.

- f. Section 787.01, relating to kidnapping.
 - g. Section 787.025, relating to luring or enticing a child.
 - h. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.
 - i. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.
 - j. Section 794.011, relating to sexual battery.
 - k. Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.
 - l. Section 794.05, relating to unlawful sexual activity with certain minors.
 - m. Section 794.08, relating to female genital mutilation.
 - n. Section 806.01, relating to arson.
 - o. Section 826.04, relating to incest.
 - p. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
 - q. Section 827.04, relating to contributing to the delinquency or dependency of a child.
 - r. Section 827.071, relating to sexual performance by a child.
 - s. Chapter 847, relating to child pornography.
 - t. Chapter 893, relating to a drug abuse prevention and control offense, if that offense was committed in the preceding 5 years.
 - ~~u.t.~~ Section 985.701, relating to sexual misconduct in juvenile justice programs.
2. A misdemeanor offense prohibited under any of the following statutes:
- a. Section 784.03, relating to battery, if the victim of the offense was a minor.
 - b. Section 787.025, relating to luring or enticing a child.
 - c. Chapter 847, relating to child pornography.

3. A criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subparagraph 1. or subparagraph 2.

Section 27. Section 627.746, Florida Statutes, is amended to read:

627.746 Coverage for minors who have a learner's driver license; additional premium prohibited.—An insurer that issues an insurance policy on a private passenger motor vehicle to a named insured who is a caregiver ~~foster parent~~ of a minor who is under the age of 18 years and is in out-of-home care as defined in s. 39.01(49) ~~child~~ may not charge an additional premium for coverage of the minor ~~child~~ while the minor ~~child~~ is operating the insured vehicle, for the period of time that the minor has a learner's driver license, until such time as the minor obtains a driver license.

Section 28. Subsection (5) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

(5) A person is not ineligible for an award pursuant to paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that person is a victim of sexual exploitation of a child as defined in s. 39.01(77)(g) ~~s. 39.01(71)(g)~~.

Section 29. Paragraph (g) of subsection (3) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(g) The private prekindergarten provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the office as meeting or exceeding the minimum standards adopted under s. 1002.57. Successful completion of a child care facility director credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~ before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2006, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.

Section 30. Subsections (3) and (4) of section 1002.57, Florida Statutes, are amended to read:

1002.57 Prekindergarten director credential.—

(3) The prekindergarten director credential must meet or exceed the requirements of the Department of Children and Families for the child care facility director credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~, and

successful completion of the prekindergarten director credential satisfies these requirements for the child care facility director credential.

(4) The department shall, to the maximum extent practicable, award credit to a person who successfully completes the child care facility director credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~ for those requirements of the prekindergarten director credential which are duplicative of requirements for the child care facility director credential.

Section 31. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.

(1) The office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. ~~402.305(2)(e)5.~~ ~~402.305(2)(d)5.~~, 402.313(6), and 402.3131(5).

Section 32. The Division of Law Revision and Information is directed to prepare, with the assistance of the staffs of the appropriate substantive committees of the Senate and the House of Representatives, a reviser’s bill for the 2019 Regular Session of the Legislature to capitalize each word of the term “child protection team” wherever it occurs in Florida Statutes.

Section 33. This act shall take effect July 1, 2018.

Approved by the Governor March 23, 2018.

Filed in Office Secretary of State March 23, 2018.