

CHAPTER 2022-68

Committee Substitute for Senate Bill No. 7034

An act relating to child welfare; amending s. 39.5085, F.S.; revising payment rates for relative and nonrelative caregivers under the Relative Caregiver Program; amending s. 409.145, F.S.; revising and specifying room and board rates paid by the Department of Children and Families; providing applicability of annual cost of living increase and supplemental room and board payment provisions to certain caregivers; providing for an additional monthly payment for certain caregivers; amending s. 1009.25, F.S.; revising fee waiver eligibility for students who are or were placed in the custody of a relative or nonrelative to include certain students; creating a tuition and fee exemption for students who enter the custody of the department after a specified age and who are reunited with their parent or parents before reaching a specified age and after spending at least 18 months in out-of-home care; requiring the student to meet certain federal financial aid eligibility requirements; requiring the entity imposing the tuition and fees to verify such eligibility; creating a tuition and fee waiver for students who were the subject of a dependency hearing, were placed in a permanent guardianship, and remain in such guardianship until the student reaches 18 years of age or, if before reaching 18 years of age, he or she enrolls in an eligible institution; reenacting s. 393.065(5)(b), F.S., relating to certain waiver services, to incorporate the amendments made to s. 409.145, F.S., in a reference thereto; reenacting s. 409.1451(2)(b), F.S., relating to the Road-to-Independence Program, to incorporate the amendments made to s. 409.145, F.S., in references thereto; providing an effective date.

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

Section 1. Present paragraphs (e) through (h) of subsection (2) of section 39.5085, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, a new paragraph (e) is added to that subsection, and paragraph (d) of that subsection is amended, to read:

39.5085 Relative Caregiver Program.—

(2)

(d)1. Relatives or nonrelatives who have a child placed with them in out-of-home care and who have obtained licensure as a child-specific level I foster placement, regardless of whether a court has found the child to be dependent, shall receive a monthly payment in accordance with s. 409.145(3) from the date the child is placed in out-of-home care with his or her relatives or with nonrelatives until the child achieves permanency as determined by the court pursuant to s. 39.621.

2. Relatives or nonrelatives who have a child who has been found to be dependent placed with them in out-of-home care shall receive a monthly payment at a rate equal to the rate established in s. 409.145(3) for licensed foster parents, regardless of whether the relatives or nonrelatives have obtained a child-specific level I foster license, from the date the child is found to be dependent or from the date the child is placed with them in out-of-home care, whichever is later, for a period of no more than 6 months or until the child achieves permanency as determined by the court pursuant to s. 39.621, whichever occurs first.

3. Relatives or nonrelatives who have a child who has been found to be dependent placed with them in out-of-home care and who have not obtained a child-specific level I foster license within 6 months from the date of such placement shall receive a monthly payment in an amount determined by department rule from 6 months after the date the child is found to be dependent or from 6 months after the child is placed with them in out-of-home care, whichever is later, until the relatives or nonrelatives obtain a child-specific level I foster license or until the child achieves permanency as determined by the court pursuant to s. 39.621, whichever occurs first. The monthly payment amount paid to relatives or nonrelatives pursuant to this subparagraph must be less than the monthly payment amount provided to a participant enrolled in the Guardianship Assistance Program pursuant to s. 39.6225.

4. Relatives or nonrelatives who have a child placed in their care by permanent guardianship pursuant to s. 39.6221, in a permanent placement with a fit and willing relative pursuant to s. 39.6231, or under former s. 39.622 if the placement was made before July 1, 2006, and who are not enrolled in the Guardianship Assistance Program pursuant to s. 39.6225 shall receive a monthly payment in an amount determined by department rule which must be less than the monthly payment amount provided to a participant enrolled in the Guardianship Assistance Program under s. 39.6225 ~~Relatives or nonrelatives who are caring for children placed with them by the court pursuant to this chapter shall receive a special monthly caregiver benefit established by rule of the department.~~

(e) Relatives or nonrelatives obtaining monthly payments under this section may also obtain a special benefit payment. 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 or nonrelatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, and the cost of providing the assistance described in this section to any caregiver may not exceed the cost of providing out-of-home care in emergency shelter or foster care.~~

Section 2. Present subsection (4) of section 409.145, Florida Statutes, is redesignated as subsection (5), a new subsection (4) is added to that section, and subsection (3) of that section is amended, to read:

409.145 Care of children; “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.

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

(a) Effective July 1, ~~2022~~ 2018, room and board rates shall be paid to foster parents, including relative and nonrelative caregivers who are licensed as a level I child-specific foster placement, and to relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2., as follows:

Monthly Room and Board ~~Foster Care~~ Rate

0-5 Years		6-12 Years		13-21 Years	
Age		Age		Age	
<u>\$517.94</u>	\$457.95	<u>\$531.21</u>	\$469.68	<u>\$621.77</u>	\$549.74

(b) Each January, foster parents, including relative and nonrelative caregivers who are licensed as a level I child-specific foster placement and relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2., 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 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) 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.

~~(d)(g) Effective July 1, 2022 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, including relative and nonrelative caregivers who are licensed as a level I child-specific foster placement and relative and nonrelative caregivers who are participating in the Relative Caregiver Program and receiving payments pursuant to s. 39.5085(2)(d)1. or 2. 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 must shall be paid monthly to the foster care parents 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.

(4) CHILD CARE SUBSIDY.—Any foster parents and relative or nonrelative caregivers, regardless of whether the relative or nonrelative caregivers are licensed as a level I child-specific foster placement or participate in the Relative Caregiver Program, who have a child placed in out-of-home care in the home between the age of birth to school entry shall receive a payment of \$200 per month per child to pay toward the cost of an early learning or child care program.

Section 3. Paragraphs (c) and (d) of subsection (1) of section 1009.25, Florida Statutes, are amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(c) A student who was the subject of a shelter proceeding, a dependency proceeding, or a termination of parental rights proceeding, and:

1. Is, or was at the time he or she reached 18 years of age, in out-of-home care. the custody of the Department of Children and Families or who,

2. Is, or was at the time he or she reached 18 years of age, in the custody of a relative or nonrelative pursuant to s. 39.5085 or s. 39.6225.

3. After spending at least 6 months in the custody of the department after reaching 16 years of age, was placed in a guardianship by the court.

4. After reaching 14 years of age and thereafter spending at least 18 months in out-of-home care, was reunited with his or her parent or parents who were the subject of the dependency proceeding before he or she reaches 18 years of age, including a student who is reunited under s. 39.8155. For a student to be eligible under this subparagraph, the student must be Pell

Grant-eligible, and the entity imposing the tuition and fees must verify such eligibility.

5. Was adopted from the department after May 5, 1997.

6. Was placed in a permanent guardianship, regardless of whether the caregiver participates or participated in the Relative Caregiver Program under s. 39.5085, and remains in such guardianship until the student either reaches 18 years of age or, if before reaching 18 years of age, he or she enrolls in an eligible institution.

Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.

~~(d) A student who is, or was at the time he or she reached 18 years of age, in the custody of a relative or nonrelative under s. 39.5085 or s. 39.6225 or who was adopted from the Department of Children and Families after May 5, 1997. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.~~

Section 4. For the purpose of incorporating the amendments made by this act to section 409.145, Florida Statutes, in a reference thereto, paragraph (b) of subsection (5) of section 393.065, Florida Statutes, is reenacted to read:

393.065 Application and eligibility determination.—

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

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

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

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

b. At least 18 years but not yet 22 years of age and who need both waiver services and extended foster care services; or

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

For individuals who are at least 18 years but not yet 22 years of age and who are eligible under sub-subparagraph 1.b., the agency shall provide waiver services, including residential habilitation, and the community-based care

lead agency shall fund room and board at the rate established in s. 409.145(3) and provide case management and related services as defined in s. 409.986(3)(e). Individuals may receive both waiver services and services under s. 39.6251. Services may not duplicate services available through the Medicaid state plan.

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

Section 5. For the purpose of incorporating the amendments made by this act to section 409.145, Florida Statutes, in references thereto, paragraph (b) of subsection (2) of section 409.1451, Florida Statutes, is reenacted to read:

409.1451 The Road-to-Independence Program.—

(2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

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

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

2. For a young adult who remains in foster care, is attending a postsecondary school, as provided in s. 1009.533, and continues to reside in a licensed foster home, the amount is the established room and board rate for foster parents. This takes the place of the payment provided for in s. 409.145(3).

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

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

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

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

Section 6. This act shall take effect July 1, 2022.

Approved by the Governor April 12, 2022.

Filed in Office Secretary of State April 12, 2022.