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1  
2 An act relating to child welfare; amending s. 25.385,  
3 F.S.; requiring the Florida Court Educational Council  
4 to establish certain standards for instruction of  
5 circuit and county court judges for dependency cases;  
6 requiring the council to provide such instruction on a  
7 periodic and timely basis; creating s. 39.01304, F.S.;  
8 authorizing circuit courts to create early childhood  
9 court programs; providing requirements for such  
10 programs; requiring the Office of the State Courts  
11 Administrator to contract to evaluate the early  
12 childhood court programs; authorizing the Office of  
13 the State Courts Administrator to provide, or contract  
14 for the provision of, certain training and assistance;  
15 amending s. 39.0138, F.S.; requiring the Department of  
16 Children and Families to complete certain records  
17 checks within a specified timeframe; amending s.  
18 39.301, F.S.; requiring the department to notify the  
19 court of certain reports; authorizing the department  
20 to file specified petitions under certain  
21 circumstances; amending s. 39.522, F.S.; requiring the  
22 court to consider specified factors when making  
23 certain determinations; requiring a child's case plan  
24 to be amended if the court changes the permanency  
25 goal; amending s. 39.6011, F.S.; revising and

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26 providing requirements for case plan descriptions;  
27 amending s. 39.701, F.S.; requiring the court to  
28 retain jurisdiction over a child under certain  
29 circumstances; requiring specified parties to disclose  
30 certain information to the court; providing for  
31 certain caregiver recommendations to the court;  
32 requiring the court and citizen review panel to  
33 determine whether certain parties have developed a  
34 productive relationship; amending s. 63.092, F.S.;  
35 requiring that certain preliminary home studies be  
36 completed within a specified timeframe; creating s.  
37 63.093, F.S.; providing requirements and processes for  
38 the adoption of children from the child welfare  
39 system; providing applicability; creating s. 409.1415,  
40 F.S.; providing legislative findings and intent;  
41 requiring the department and community-based care lead  
42 agencies to develop and support relationships between  
43 caregivers and birth or legal parents of certain  
44 children; providing responsibilities for caregivers,  
45 birth or legal parents, the department, and community-  
46 based care lead agency staff; requiring employees of  
47 residential group homes to meet specified  
48 requirements; requiring the department to adopt rules;  
49 amending s. 409.145, F.S.; removing certain  
50 responsibilities of caregivers, the department,

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51 community-based care lead agency staff, and other  
52 agency staff; removing requirements relating to  
53 transitions, information sharing, and certain  
54 caregivers; amending s. 409.175, F.S.; revising  
55 requirements for the licensure of family foster homes;  
56 requiring certain entities to complete a licensing  
57 study within a specified timeframe; requiring the  
58 department to issue determinations for family foster  
59 home licenses within a specified timeframe; providing  
60 an exception; amending s. 409.988, F.S.; authorizing a  
61 lead agency to provide more than 35 percent of all  
62 child welfare services under certain conditions;  
63 requiring a specified local community alliance, or  
64 specified representatives in certain circumstances, to  
65 review and recommend approval or denial of the lead  
66 agency's request for a specified exemption; amending  
67 ss. 39.302, 39.6225, 393.065, and 409.1451, F.S.;  
68 conforming cross-references to changes made by the  
69 act; providing an effective date.

70

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

72

73 Section 1. Section 25.385, Florida Statutes, is amended to  
74 read:

75 25.385 Standards for instruction of circuit and county

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76 | court judges ~~in handling domestic violence cases.~~

77 |       (1) The Florida Court Educational Council shall establish  
78 | standards for instruction of circuit and county court judges who  
79 | have responsibility for domestic violence cases, and the council  
80 | shall provide such instruction on a periodic and timely basis.

81 |       ~~(2) As used in this subsection, section:~~

82 |       ~~(a) the term "domestic violence" has the meaning set forth~~  
83 | ~~in s. 741.28.~~

84 |       ~~(b) "Family or household member" has the meaning set forth~~  
85 | ~~in s. 741.28.~~

86 |       (2) The Florida Court Educational Council shall establish  
87 | standards for instruction of circuit and county court judges who  
88 | have responsibility for dependency cases regarding the benefits  
89 | of a secure attachment with a primary caregiver, the importance  
90 | of a stable placement, and the impact of trauma on child  
91 | development. The council shall provide such instruction to the  
92 | circuit and county court judges handling dependency cases on a  
93 | periodic and timely basis.

94 |       Section 2. Section 39.01304, Florida Statutes, is created  
95 | to read:

96 |       39.01304 Early childhood court programs.-

97 |       (1) A circuit court may create an early childhood court  
98 | program to serve the needs of infants and toddlers in dependency  
99 | court. If a circuit court creates an early childhood court  
100 | program, it may consider all of the following factors:

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101        (a) The court supporting the therapeutic needs of the  
102 parent and child in a nonadversarial manner.

103        (b) A multidisciplinary team made up of key community  
104 stakeholders to work with the court to restructure the way the  
105 community responds to the needs of abused or neglected children.

106        (c) A community coordinator to facilitate services and  
107 resources for families, serve as a liaison between a  
108 multidisciplinary team and the judiciary, and manage data  
109 collection for program evaluation and accountability. Subject to  
110 appropriation, the Office of the State Courts Administrator may  
111 coordinate with each participating circuit court to fill a  
112 community coordinator position for the circuit's early childhood  
113 court program.

114        (d) A continuum of mental health services that includes  
115 those that support the parent-child relationship and are  
116 appropriate for the children and family served.

117        (2) The Office of the State Courts Administrator shall  
118 contract for an evaluation of the early childhood court programs  
119 to ensure the quality, accountability, and fidelity of the  
120 programs' evidence-based treatment. The Office of the State  
121 Courts Administrator may provide, or contract for the provision  
122 of, training and technical assistance related to program  
123 services, consultation and guidance for difficult cases, and  
124 ongoing training for court teams.

125        Section 3. Subsection (1) of section 39.0138, Florida

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126 Statutes, is amended to read:

127 39.0138 Criminal history and other records checks; limit  
128 on placement of a child.—

129 (1) The department shall conduct a records check through  
130 the State Automated Child Welfare Information System (SACWIS)  
131 and a local and statewide criminal history records check on all  
132 persons, including parents, being considered by the department  
133 for placement of a child under this chapter, including all  
134 nonrelative placement decisions, and all members of the  
135 household, 12 years of age and older, of the person being  
136 considered. For purposes of this section, a criminal history  
137 records check may include, but is not limited to, submission of  
138 fingerprints to the Department of Law Enforcement for processing  
139 and forwarding to the Federal Bureau of Investigation for state  
140 and national criminal history information, and local criminal  
141 records checks through local law enforcement agencies of all  
142 household members 18 years of age and older and other visitors  
143 to the home. An out-of-state criminal history records check must  
144 be initiated for any person 18 years of age or older who resided  
145 in another state if that state allows the release of such  
146 records. The department must complete the records check within  
147 14 business days after receiving a person's criminal history  
148 results, unless additional information is required to complete  
149 the processing. The department shall establish by rule standards  
150 for evaluating any information contained in the automated system

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151 relating to a person who must be screened for purposes of making  
152 a placement decision.

153 Section 4. Subsection (1) and paragraph (a) of subsection  
154 (9) of section 39.301, Florida Statutes, are amended to read:

155 39.301 Initiation of protective investigations.—

156 (1) (a) Upon receiving a report of known or suspected child  
157 abuse, abandonment, or neglect, or that a child is in need of  
158 supervision and care and has no parent, legal custodian, or  
159 responsible adult relative immediately known and available to  
160 provide supervision and care, the central abuse hotline shall  
161 determine if the report requires an immediate onsite protective  
162 investigation. For reports requiring an immediate onsite  
163 protective investigation, the central abuse hotline shall  
164 immediately notify the department's designated district staff  
165 responsible for protective investigations to ensure that an  
166 onsite investigation is promptly initiated. For reports not  
167 requiring an immediate onsite protective investigation, the  
168 central abuse hotline shall notify the department's designated  
169 district staff responsible for protective investigations in  
170 sufficient time to allow for an investigation. At the time of  
171 notification, the central abuse hotline shall also provide  
172 information to district staff on any previous report concerning  
173 a subject of the present report or any pertinent information  
174 relative to the present report or any noted earlier reports.

175 (b) The department shall promptly notify the court of any

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176 | report to the central abuse hotline that is accepted for a  
177 | protective investigation and involves a child over whom the  
178 | court has jurisdiction.

179 | (9) (a) For each report received from the central abuse  
180 | hotline and accepted for investigation, the department or the  
181 | sheriff providing child protective investigative services under  
182 | s. 39.3065, shall perform the following child protective  
183 | investigation activities to determine child safety:

184 | 1. Conduct a review of all relevant, available information  
185 | specific to the child and family and alleged maltreatment;  
186 | family child welfare history; local, state, and federal criminal  
187 | records checks; and requests for law enforcement assistance  
188 | provided by the abuse hotline. Based on a review of available  
189 | information, including the allegations in the current report, a  
190 | determination shall be made as to whether immediate consultation  
191 | should occur with law enforcement, the Child Protection Team, a  
192 | domestic violence shelter or advocate, or a substance abuse or  
193 | mental health professional. Such consultations should include  
194 | discussion as to whether a joint response is necessary and  
195 | feasible. A determination shall be made as to whether the person  
196 | making the report should be contacted before the face-to-face  
197 | interviews with the child and family members.

198 | 2. Conduct face-to-face interviews with the child; other  
199 | siblings, if any; and the parents, legal custodians, or  
200 | caregivers.



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201           3. Assess the child's residence, including a determination  
202 of the composition of the family and household, including the  
203 name, address, date of birth, social security number, sex, and  
204 race of each child named in the report; any siblings or other  
205 children in the same household or in the care of the same  
206 adults; the parents, legal custodians, or caregivers; and any  
207 other adults in the same household.

208           4. Determine whether there is any indication that any  
209 child in the family or household has been abused, abandoned, or  
210 neglected; the nature and extent of present or prior injuries,  
211 abuse, or neglect, and any evidence thereof; and a determination  
212 as to the person or persons apparently responsible for the  
213 abuse, abandonment, or neglect, including the name, address,  
214 date of birth, social security number, sex, and race of each  
215 such person.

216           5. Complete assessment of immediate child safety for each  
217 child based on available records, interviews, and observations  
218 with all persons named in subparagraph 2. and appropriate  
219 collateral contacts, which may include other professionals. The  
220 department's child protection investigators are hereby  
221 designated a criminal justice agency for the purpose of  
222 accessing criminal justice information to be used for enforcing  
223 this state's laws concerning the crimes of child abuse,  
224 abandonment, and neglect. This information shall be used solely  
225 for purposes supporting the detection, apprehension,

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226 prosecution, pretrial release, posttrial release, or  
227 rehabilitation of criminal offenders or persons accused of the  
228 crimes of child abuse, abandonment, or neglect and may not be  
229 further disseminated or used for any other purpose.

230 6. Document the present and impending dangers to each  
231 child based on the identification of inadequate protective  
232 capacity through utilization of a standardized safety assessment  
233 instrument. If present or impending danger is identified, the  
234 child protective investigator must implement a safety plan or  
235 take the child into custody. If present danger is identified and  
236 the child is not removed, the child protective investigator  
237 shall create and implement a safety plan before leaving the home  
238 or the location where there is present danger. If impending  
239 danger is identified, the child protective investigator shall  
240 create and implement a safety plan as soon as necessary to  
241 protect the safety of the child. The child protective  
242 investigator may modify the safety plan if he or she identifies  
243 additional impending danger.

244 a. If the child protective investigator implements a  
245 safety plan, the plan must be specific, sufficient, feasible,  
246 and sustainable in response to the realities of the present or  
247 impending danger. A safety plan may be an in-home plan or an  
248 out-of-home plan, or a combination of both. A safety plan may  
249 include tasks or responsibilities for a parent, caregiver, or  
250 legal custodian. However, a safety plan may not rely on

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251 promissory commitments by the parent, caregiver, or legal  
252 custodian who is currently not able to protect the child or on  
253 services that are not available or will not result in the safety  
254 of the child. A safety plan may not be implemented if for any  
255 reason the parents, guardian, or legal custodian lacks the  
256 capacity or ability to comply with the plan. If the department  
257 is not able to develop a plan that is specific, sufficient,  
258 feasible, and sustainable, the department shall file a shelter  
259 petition. A child protective investigator shall implement  
260 separate safety plans for the perpetrator of domestic violence,  
261 if the investigator, using reasonable efforts, can locate the  
262 perpetrator to implement a safety plan, and for the parent who  
263 is a victim of domestic violence as defined in s. 741.28.  
264 Reasonable efforts to locate a perpetrator include, but are not  
265 limited to, a diligent search pursuant to the same requirements  
266 as in s. 39.503. If the perpetrator of domestic violence is not  
267 the parent, guardian, or legal custodian of any child in the  
268 home and if the department does not intend to file a shelter  
269 petition or dependency petition that will assert allegations  
270 against the perpetrator as a parent of a child in the home, the  
271 child protective investigator shall seek issuance of an  
272 injunction authorized by s. 39.504 to implement a safety plan  
273 for the perpetrator and impose any other conditions to protect  
274 the child. The safety plan for the parent who is a victim of  
275 domestic violence may not be shared with the perpetrator. If any

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276 party to a safety plan fails to comply with the safety plan  
 277 resulting in the child being unsafe, the department shall file a  
 278 shelter petition.

279       b. The child protective investigator shall collaborate  
 280 with the community-based care lead agency in the development of  
 281 the safety plan as necessary to ensure that the safety plan is  
 282 specific, sufficient, feasible, and sustainable. The child  
 283 protective investigator shall identify services necessary for  
 284 the successful implementation of the safety plan. The child  
 285 protective investigator and the community-based care lead agency  
 286 shall mobilize service resources to assist all parties in  
 287 complying with the safety plan. The community-based care lead  
 288 agency shall prioritize safety plan services to families who  
 289 have multiple risk factors, including, but not limited to, two  
 290 or more of the following:

- 291       (I) The parent or legal custodian is of young age;
- 292       (II) The parent or legal custodian, or an adult currently  
 293 living in or frequently visiting the home, has a history of  
 294 substance abuse, mental illness, or domestic violence;
- 295       (III) The parent or legal custodian, or an adult currently  
 296 living in or frequently visiting the home, has been previously  
 297 found to have physically or sexually abused a child;
- 298       (IV) The parent or legal custodian or an adult currently  
 299 living in or frequently visiting the home has been the subject  
 300 of multiple allegations by reputable reports of abuse or

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301 neglect;

302 (V) The child is physically or developmentally disabled;

303 or

304 (VI) The child is 3 years of age or younger.

305 c. The child protective investigator shall monitor the  
 306 implementation of the plan to ensure the child's safety until  
 307 the case is transferred to the lead agency at which time the  
 308 lead agency shall monitor the implementation.

309 d. The department may file a petition for shelter or  
 310 dependency without a new child protective investigation or the  
 311 concurrence of the child protective investigator if the child is  
 312 unsafe but for the use of a safety plan and the parent or  
 313 caregiver has not sufficiently increased protective capacities  
 314 within 90 days after the transfer of the safety plan to the lead  
 315 agency.

316 Section 5. Subsection (1) of section 39.522, Florida  
 317 Statutes, is amended, and subsection (4) is added to that  
 318 section, to read:

319 39.522 Postdisposition change of custody.—The court may  
 320 change the temporary legal custody or the conditions of  
 321 protective supervision at a postdisposition hearing, without the  
 322 necessity of another adjudicatory hearing.

323 (1) (a) At any time before a child is residing in the  
 324 permanent placement approved at the permanency hearing, a child  
 325 who has been placed in the child's own home under the protective

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326 supervision of an authorized agent of the department, in the  
 327 home of a relative, in the home of a legal custodian, or in some  
 328 other place may be brought before the court by the department or  
 329 by any other interested person, upon the filing of a motion  
 330 alleging a need for a change in the conditions of protective  
 331 supervision or the placement. If the parents or other legal  
 332 custodians deny the need for a change, the court shall hear all  
 333 parties in person or by counsel, or both. Upon the admission of  
 334 a need for a change or after such hearing, the court shall enter  
 335 an order changing the placement, modifying the conditions of  
 336 protective supervision, or continuing the conditions of  
 337 protective supervision as ordered. The standard for changing  
 338 custody of the child shall be the best interests ~~interest~~ of the  
 339 child. When determining whether a change of legal custody or  
 340 placement is in ~~applying this standard, the court shall consider~~  
 341 ~~the continuity of the child's placement in the same out-of-home~~  
 342 ~~residence as a factor when determining~~ the best interests of the  
 343 child, the court shall consider:

- 344 1. The child's age.
- 345 2. The physical, mental, and emotional health benefits to  
 346 the child by remaining in his or her current placement or moving  
 347 to the proposed placement.
- 348 3. The stability and longevity of the child's current  
 349 placement.
- 350 4. The established bonded relationship between the child

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351 and the current or proposed caregiver.

352 5. The reasonable preference of the child, if the court  
353 has found that the child is of sufficient intelligence,  
354 understanding, and experience to express a preference.

355 6. The recommendation of the child's current caregiver.

356 7. The recommendation of the child's guardian ad litem, if  
357 one has been appointed.

358 8. The child's previous and current relationship with a  
359 sibling, if the change of legal custody or placement will  
360 separate or reunite siblings.

361 9. The likelihood of the child attaining permanency in the  
362 current or proposed placement.

363 10. Any other relevant factors.

364 (b) If the child is not placed in foster care, ~~then~~ the  
365 new placement for the child must meet the home study criteria  
366 and court approval under ~~pursuant to~~ this chapter.

367 (4) In cases in which the issue before the court is  
368 whether to place a child in out-of-home care after the child was  
369 placed in the child's own home with an in-home safety plan or  
370 the child was reunified with a parent or caregiver with an in-  
371 home safety plan, the court must consider, at a minimum, the  
372 following factors in making its determination whether to place  
373 the child in out-of-home care:

374 (a) The circumstances that caused the child's dependency  
375 and other subsequently identified issues.

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376        (b) The length of time the child has been placed in the  
 377 home with an in-home safety plan.

378        (c) The parent's or caregiver's current level of  
 379 protective capacities.

380        (d) The level of increase, if any, in the parent's or  
 381 caregiver's protective capacities since the child's placement in  
 382 the home based on the length of time the child has been placed  
 383 in the home.

384  
 385 The court shall additionally evaluate the child's permanency  
 386 goal and change the permanency goal as needed if doing so would  
 387 be in the best interests of the child. If the court changes the  
 388 permanency goal, the case plan must be amended pursuant to s.  
 389 39.6013(5).

390        Section 6. Subsections (5) and (9) of section 39.6011,  
 391 Florida Statutes, are amended to read:

392        39.6011 Case plan development.—

393        (5) The case plan must describe all of the following:

394        (a) The role of the foster parents or caregivers ~~legal~~  
 395 ~~eustodians~~ when developing the services that are to be provided  
 396 to the child, foster parents, or caregivers. ~~legal eustodians;~~

397        (b) The responsibility of the parents and caregivers to  
 398 work together when it is safe to do so, which includes:

399        1. How the parents and caregivers will work together to  
 400 successfully implement the case plan.



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401           2. How the case manager will assist the parents and  
 402 caregivers in developing a productive relationship that includes  
 403 meaningful communication and mutual support.

404           3. How the parents and caregivers may notify the court or  
 405 the case manager if ineffective communication takes place that  
 406 negatively impacts the child.

407           (c)~~(b)~~ The responsibility of the case manager to forward a  
 408 relative's request to receive notification of all proceedings  
 409 and hearings submitted under ~~pursuant to~~ s. 39.301(14)(b) to the  
 410 attorney for the department.;

411           (d)~~(e)~~ The minimum number of face-to-face meetings to be  
 412 held each month between the parents and the case managers  
 413 ~~department's family services counselors~~ to review the progress  
 414 of the plan and the services provided to the child, to eliminate  
 415 barriers to progress, and to resolve conflicts or disagreements  
 416 between parents and caregivers, service providers, or any other  
 417 professionals assisting the parents in the completion of the  
 418 case plan.~~;~~ and

419           (e)~~(d)~~ The parent's responsibility for financial support  
 420 of the child, including, but not limited to, health insurance  
 421 and child support. The case plan must list the costs associated  
 422 with any services or treatment that the parent and child are  
 423 expected to receive which are the financial responsibility of  
 424 the parent. The determination of child support and other  
 425 financial support shall be made independently of any

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426 determination of indigency under s. 39.013.

427 (9) The case plan must describe a process for making  
 428 available to all physical custodians and case managers ~~family~~  
 429 ~~services counselors~~ the information required by s. 39.6012(2)  
 430 and for ensuring that this information follows the child until  
 431 permanency has been achieved.

432 Section 7. Paragraph (b) of subsection (1) and paragraphs  
 433 (a) and (c) of subsection (2) of section 39.701, Florida  
 434 Statutes, are amended to read:

435 39.701 Judicial review.—

436 (1) GENERAL PROVISIONS.—

437 (b)1. The court shall retain jurisdiction over a child  
 438 returned to his or her parents for a minimum period of 6 months  
 439 following the reunification, but, at that time, based on a  
 440 report of the social service agency and the guardian ad litem,  
 441 if one has been appointed, and any other relevant factors, the  
 442 court shall make a determination as to whether supervision by  
 443 the department and the court's jurisdiction shall continue or be  
 444 terminated.

445 2. Notwithstanding subparagraph 1., the court must retain  
 446 jurisdiction over a child if the child is placed in the home  
 447 with a parent or caregiver with an in-home safety plan and such  
 448 safety plan remains necessary for the child to reside safely in  
 449 the home.

450 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF

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451 AGE.—

452 (a) Social study report for judicial review.—Before every  
 453 judicial review hearing or citizen review panel hearing, the  
 454 social service agency shall make an investigation and social  
 455 study concerning all pertinent details relating to the child and  
 456 shall furnish to the court or citizen review panel a written  
 457 report that includes, but is not limited to:

458 1. A description of the type of placement the child is in  
 459 at the time of the hearing, including the safety of the child  
 460 and the continuing necessity for and appropriateness of the  
 461 placement.

462 2. Documentation of the diligent efforts made by all  
 463 parties to the case plan to comply with each applicable  
 464 provision of the plan.

465 3. The amount of fees assessed and collected during the  
 466 period of time being reported.

467 4. The services provided to the foster family or caregiver  
 468 ~~legal custodian~~ in an effort to address the needs of the child  
 469 as indicated in the case plan.

470 5. A statement that either:

471 a. The parent, though able to do so, did not comply  
 472 substantially with the case plan, and the agency  
 473 recommendations;

474 b. The parent did substantially comply with the case plan;  
 475 or

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476 c. The parent has partially complied with the case plan,  
 477 with a summary of additional progress needed and the agency  
 478 recommendations.

479 6. A statement from the foster parent or caregiver ~~legal~~  
 480 ~~eustodian~~ providing any material evidence concerning the well-  
 481 being of the child, the impact of any services provided to the  
 482 child, the working relationship between the parents and  
 483 caregivers, and the return of the child to the ~~parent or~~  
 484 parents.

485 7. A statement concerning the frequency, duration, and  
 486 results of the parent-child visitation, if any, and the agency  
 487 and caregiver recommendations for an expansion or restriction of  
 488 future visitation.

489 8. The number of times a child has been removed from his  
 490 or her home and placed elsewhere, the number and types of  
 491 placements that have occurred, and the reason for the changes in  
 492 placement.

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

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

500 11. Copies of all medical, psychological, and educational

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501 records that support the terms of the case plan and that have  
 502 been produced concerning the parents or any caregiver since the  
 503 last judicial review hearing.

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

506 (c) Review determinations.—The court and any citizen  
 507 review panel shall take into consideration the information  
 508 contained in the social services study and investigation and all  
 509 medical, psychological, and educational records that support the  
 510 terms of the case plan; testimony by the social services agency,  
 511 the parent, the foster parent or caregiver ~~legal custodian~~, the  
 512 guardian ad litem or surrogate parent for educational  
 513 decisionmaking if one has been appointed for the child, and any  
 514 other person deemed appropriate; and any relevant and material  
 515 evidence submitted to the court, including written and oral  
 516 reports to the extent of their probative value. These reports  
 517 and evidence may be received by the court in its effort to  
 518 determine the action to be taken with regard to the child and  
 519 may be relied upon to the extent of their probative value, even  
 520 though not competent in an adjudicatory hearing. In its  
 521 deliberations, the court and any citizen review panel shall seek  
 522 to determine:

523 1. If the parent was advised of the right to receive  
 524 assistance from any person or social service agency in the  
 525 preparation of the case plan.

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526           2. If the parent has been advised of the right to have  
 527 counsel present at the judicial review or citizen review  
 528 hearings. If not so advised, the court or citizen review panel  
 529 shall advise the parent of such right.

530           3. If a guardian ad litem needs to be appointed for the  
 531 child in a case in which a guardian ad litem has not previously  
 532 been appointed or if there is a need to continue a guardian ad  
 533 litem in a case in which a guardian ad litem has been appointed.

534           4. Who holds the rights to make educational decisions for  
 535 the child. If appropriate, the court may refer the child to the  
 536 district school superintendent for appointment of a surrogate  
 537 parent or may itself appoint a surrogate parent under the  
 538 Individuals with Disabilities Education Act and s. 39.0016.

539           5. The compliance or lack of compliance of all parties  
 540 with applicable items of the case plan, including the parents'  
 541 compliance with child support orders.

542           6. The compliance or lack of compliance with a visitation  
 543 contract between the parent and the social service agency for  
 544 contact with the child, including the frequency, duration, and  
 545 results of the parent-child visitation and the reason for any  
 546 noncompliance.

547           7. The frequency, kind, and duration of contacts among  
 548 siblings who have been separated during placement, as well as  
 549 any efforts undertaken to reunite separated siblings if doing so  
 550 is in the best interests ~~interest~~ of the child.

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551           8. The compliance or lack of compliance of the parent in  
552 meeting specified financial obligations pertaining to the care  
553 of the child, including the reason for failure to comply, if  
554 applicable.

555           9. Whether the child is receiving safe and proper care  
556 according to s. 39.6012, including, but not limited to, the  
557 appropriateness of the child's current placement, including  
558 whether the child is in a setting that is as family-like and as  
559 close to the parent's home as possible, consistent with the  
560 child's best interests and special needs, and including  
561 maintaining stability in the child's educational placement, as  
562 documented by assurances from the community-based care lead  
563 agency ~~provider~~ that:

564           a. The placement of the child takes into account the  
565 appropriateness of the current educational setting and the  
566 proximity to the school in which the child is enrolled at the  
567 time of placement.

568           b. The community-based care lead agency has coordinated  
569 with appropriate local educational agencies to ensure that the  
570 child remains in the school in which the child is enrolled at  
571 the time of placement.

572           10. A projected date likely for the child's return home or  
573 other permanent placement.

574           11. When appropriate, the basis for the unwillingness or  
575 inability of the parent to become a party to a case plan. The

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576 court and the citizen review panel shall determine if the  
577 efforts of the social service agency to secure party  
578 participation in a case plan were sufficient.

579 12. For a child who has reached 13 years of age but is not  
580 yet 18 years of age, the adequacy of the child's preparation for  
581 adulthood and independent living. For a child who is 15 years of  
582 age or older, the court shall determine if appropriate steps are  
583 being taken for the child to obtain a driver license or  
584 learner's driver license.

585 13. If amendments to the case plan are required.  
586 Amendments to the case plan must be made under s. 39.6013.

587 14. If the parents and caregivers have developed a  
588 productive relationship that includes meaningful communication  
589 and mutual support.

590 Section 8. Subsection (3) of section 63.092, Florida  
591 Statutes, is amended to read:

592 63.092 Report to the court of intended placement by an  
593 adoption entity; at-risk placement; preliminary study.—

594 (3) PRELIMINARY HOME STUDY.—Before placing the minor in  
595 the intended adoptive home, a preliminary home study must be  
596 performed by a licensed child-placing agency, a child-caring  
597 agency registered under s. 409.176, a licensed professional, or  
598 an agency described in s. 61.20(2), unless the adoptee is an  
599 adult or the petitioner is a stepparent or a relative. If the  
600 adoptee is an adult or the petitioner is a stepparent or a



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601 relative, a preliminary home study may be required by the court  
 602 for good cause shown. The department is required to perform the  
 603 preliminary home study only if there is no licensed child-  
 604 placing agency, child-caring agency registered under s. 409.176,  
 605 licensed professional, or agency described in s. 61.20(2), in  
 606 the county where the prospective adoptive parents reside. The  
 607 preliminary home study must be made to determine the suitability  
 608 of the intended adoptive parents and may be completed before  
 609 ~~prior to~~ identification of a prospective adoptive minor. If the  
 610 identified prospective adoptive minor is in the custody of the  
 611 department, a preliminary home study must be completed within 30  
 612 days after it is initiated. A favorable preliminary home study  
 613 is valid for 1 year after the date of its completion. Upon its  
 614 completion, a signed copy of the home study must be provided to  
 615 the intended adoptive parents who were the subject of the home  
 616 study. A minor may not be placed in an intended adoptive home  
 617 before a favorable preliminary home study is completed unless  
 618 the adoptive home is also a licensed foster home under s.  
 619 409.175. The preliminary home study must include, at a minimum:  
 620 (a) An interview with the intended adoptive parents.~~†~~  
 621 (b) Records checks of the department's central abuse  
 622 registry, which the department shall provide to the entity  
 623 conducting the preliminary home study, and criminal records  
 624 correspondence checks under s. 39.0138 through the Department of  
 625 Law Enforcement on the intended adoptive parents.~~†~~

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626 (c) An assessment of the physical environment of the  
 627 home.~~†~~

628 (d) A determination of the financial security of the  
 629 intended adoptive parents.†

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

635 (f) Documentation that information on adoption and the  
 636 adoption process has been provided to the intended adoptive  
 637 parents.†

638 (g) Documentation that information on support services  
 639 available in the community has been provided to the intended  
 640 adoptive parents.~~†~~~~and~~

641 (h) A copy of each signed acknowledgment of receipt of  
 642 disclosure required by s. 63.085.

643  
 644 If the preliminary home study is favorable, a minor may be  
 645 placed in the home pending entry of the judgment of adoption. A  
 646 minor may not be placed in the home if the preliminary home  
 647 study is unfavorable. If the preliminary home study is  
 648 unfavorable, the adoption entity may, within 20 days after  
 649 receipt of a copy of the written recommendation, petition the  
 650 court to determine the suitability of the intended adoptive

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651 home. A determination as to suitability under this subsection  
652 does not act as a presumption of suitability at the final  
653 hearing. In determining the suitability of the intended adoptive  
654 home, the court must consider the totality of the circumstances  
655 in the home. A minor may not be placed in a home in which there  
656 resides any person determined by the court to be a sexual  
657 predator as defined in s. 775.21 or to have been convicted of an  
658 offense listed in s. 63.089(4)(b)2.

659 Section 9. Section 63.093, Florida Statutes, is created to  
660 read:

661 63.093 Adoption of children from the child welfare  
662 system.—

663 (1) The department or community-based care lead agency as  
664 defined in s. 409.986(3), or its subcontracted agency, must  
665 respond to an initial inquiry from a prospective adoptive parent  
666 within 7 business days after receipt of the inquiry. The  
667 response must inform the prospective adoptive parent of the  
668 adoption process and the requirements for adopting a child from  
669 the child welfare system.

670 (2) The department or community-based care lead agency, or  
671 its subcontracted agency, must refer a prospective adoptive  
672 parent who is interested in adopting a child in the custody of  
673 the department to a department-approved adoptive parent training  
674 program. A prospective adoptive parent must successfully  
675 complete the training program, unless the prospective adoptive

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676 parent is a licensed foster parent or a relative or nonrelative  
677 caregiver who has:

678 (a) Attended the training program within the last 5 years;  
679 or

680 (b) Had the child who is available for adoption placed in  
681 their home for 6 months or longer and has been determined to  
682 understand the challenges and parenting skills needed to  
683 successfully parent the child who is available for adoption.

684 (3) A prospective adoptive parent must complete an  
685 adoption application created by the department.

686 (4) Before a child is placed in an adoptive home, the  
687 community-based care lead agency or its subcontracted agency  
688 must complete an adoptive home study of a prospective adoptive  
689 parent that includes observation, screening, and evaluation of  
690 the child and the prospective adoptive parent. An adoptive home  
691 study is valid for 12 months after the date on which the study  
692 was approved. In addition, the community-based care lead agency  
693 or its subcontracted agency must complete a preparation process,  
694 as established by department rule, with the prospective adoptive  
695 parent.

696 (5) At the conclusion of the adoptive home study and  
697 preparation process, a decision shall be made about the  
698 prospective adoptive parent's appropriateness to adopt. This  
699 decision shall be reflected in the final recommendation included  
700 in the adoptive home study. If the recommendation is for

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701 approval, the adoptive parent application file must be submitted  
702 to the community-based care lead agency or its subcontracted  
703 agency for approval. The community-based care lead agency or its  
704 subcontracted agency must approve or deny the home study within  
705 14 business days after receipt of the recommendation.

706  
707 Notwithstanding subsections (1) and (2), this section does not  
708 apply to a child adopted through the process provided in s.  
709 63.082(6).

710 Section 10. Section 409.1415, Florida Statutes, is created  
711 to read:

712 409.1415 Parenting partnerships for children in out-of-  
713 home care.-

714 (1) LEGISLATIVE FINDINGS AND INTENT.-

715 (a) The Legislature finds that reunification is the most  
716 common outcome for children in out-of-home care and that  
717 caregivers are one of the most important resources to help  
718 children reunify with their families.

719 (b) The Legislature further finds that the most successful  
720 caregivers understand that their role goes beyond supporting the  
721 children in their care to supporting the children's families, as  
722 a whole, and that children and their families benefit when  
723 caregivers and birth or legal parents are supported by an agency  
724 culture that encourages a meaningful partnership between them  
725 and provides quality support.

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726 (c) Therefore, in keeping with national trends, it is the  
727 intent of the Legislature to bring caregivers and birth or legal  
728 parents together in order to build strong relationships that  
729 lead to more successful reunifications and more stability for  
730 children being fostered in out-of-home care.

731 (2) PARENTING PARTNERSHIPS.—

732 (a) In order to ensure that children in out-of-home care  
733 achieve legal permanency as soon as possible, to reduce the  
734 likelihood that they will reenter care or that other children in  
735 the family are abused or neglected or enter out-of-home care,  
736 and to ensure that families are fully prepared to resume custody  
737 of their children, the department and community-based care lead  
738 agencies shall develop and support relationships between  
739 caregivers and birth or legal parents of children in out-of-home  
740 care, to the extent that it is safe and in the child's best  
741 interest, by:

742 1. Facilitating telephone communication between the  
743 caregiver and the birth or legal parent as soon as possible  
744 after the child is placed in the home of the caregiver.

745 2. Facilitating and attending an in-person meeting between  
746 the caregiver and the birth or legal parent as soon as possible  
747 after the child is placed in the home of the caregiver.

748 3. Developing and supporting a plan for the birth or legal  
749 parent to participate in medical appointments, educational and

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750 extracurricular activities, and other events involving the  
 751 child.

752 4. Facilitating participation by the caregiver in  
 753 visitation between the birth or legal parent and the child.

754 5. Involving the caregiver in planning meetings with the  
 755 birth or legal parent.

756 6. Developing and implementing effective transition plans  
 757 for the child's return home or placement in any other living  
 758 environment.

759 7. Supporting continued contact between the caregiver and  
 760 the child after the child returns home or moves to another  
 761 permanent living arrangement.

762 (b) To ensure that a child in out-of-home care receives  
 763 support for healthy development which gives the child the best  
 764 possible opportunity for success, caregivers, birth or legal  
 765 parents, the department, and the community-based care lead  
 766 agency shall work cooperatively in a respectful partnership by  
 767 adhering to the following requirements:

768 1. All members of the partnership must interact and  
 769 communicate professionally with one another, must share all  
 770 relevant information promptly, and must respect the  
 771 confidentiality of all information related to the child and his  
 772 or her family.

773 2. The caregiver, the birth or legal parent, the child, if  
 774 appropriate, the department, and the community-based care lead

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775 agency must participate in developing a case plan for the child  
776 and the birth or legal parent. All members of the team must work  
777 together to implement the case plan. The caregiver must have the  
778 opportunity to participate in all team meetings or court  
779 hearings related to the child's care and future plans. The  
780 department and community-based care lead agency must support and  
781 facilitate caregiver participation through timely notification  
782 of such meetings and hearings and provide alternative methods  
783 for participation for a caregiver who cannot be physically  
784 present at a meeting or hearing.

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

788 a. A loving commitment to the child and the child's safety  
789 and well-being.

790 b. Appropriate supervision and positive methods of  
791 discipline.

792 c. Encouragement of the child's strengths.

793 d. Respect for the child's individuality and likes and  
794 dislikes.

795 e. Providing opportunities to develop the child's  
796 interests and skills.

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

798 g. Facilitating equal participation of the child in family  
799 life.



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

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

802 4. A child in out-of-home care must be placed with a  
803 caregiver who has the ability to care for the child, is willing  
804 to accept responsibility for providing care, and is willing and  
805 able to learn about and be respectful of the child's culture,  
806 religion, and ethnicity; special physical or psychological  
807 needs; circumstances unique to the child; and family  
808 relationships. The department, the community-based care lead  
809 agency, and other agencies must provide a caregiver with all  
810 available information necessary to assist the caregiver in  
811 determining whether he or she is able to appropriately care for  
812 a particular child.

813 5. A caregiver must have access to and take advantage of  
814 all training that he or she needs to improve his or her skills  
815 in parenting a child who has experienced trauma due to neglect,  
816 abuse, or separation from home; to meet the child's special  
817 needs; and to work effectively with child welfare agencies, the  
818 courts, the schools, and other community and governmental  
819 agencies.

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

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823 7. Once a caregiver accepts the responsibility of caring  
 824 for a child, the child may be removed from the home of the  
 825 caregiver only if:

826 a. The caregiver is clearly unable to safely or legally  
 827 care for the child;

828 b. The child and the birth or legal parent are reunified;

829 c. The child is being placed in a legally permanent home  
 830 in accordance with a case plan or court order; or

831 d. The removal is demonstrably in the best interests of  
 832 the child.

833 8. If a child must leave the caregiver's home for one of  
 834 the reasons stated in subparagraph 7., and in the absence of an  
 835 unforeseeable emergency, the transition must be accomplished  
 836 according to a plan that involves cooperation and sharing of  
 837 information among all persons involved, respects the child's  
 838 developmental stage and psychological needs, ensures the child  
 839 has all of his or her belongings, allows for a gradual  
 840 transition from the caregiver's home, and, if possible, allows  
 841 for continued contact with the caregiver after the child leaves.

842 9. When the case plan for a child includes reunification,  
 843 the caregiver, the department, and the community-based care lead  
 844 agency must work together to assist the birth or legal parent in  
 845 improving his or her ability to care for and protect the child  
 846 and to provide continuity for the child.

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847 10. A caregiver must respect and support the child's ties  
848 to his or her birth or legal family, including parents,  
849 siblings, and extended family members, and must assist the child  
850 in maintaining allowable visitation and other forms of  
851 communication. The department and community-based care lead  
852 agency must provide a caregiver with the information, guidance,  
853 training, and support necessary for fulfilling this  
854 responsibility.

855 11. A caregiver must work in partnership with the  
856 department and community-based care lead agency to obtain and  
857 maintain records that are important to the child's well-being  
858 including, but not limited to, child resource records, medical  
859 records, school records, photographs, and records of special  
860 events and achievements.

861 12. A caregiver must advocate for a child in his or her  
862 care with the child welfare system, the court, and community  
863 agencies, including schools, child care providers, health and  
864 mental health providers, and employers. The department and  
865 community-based care lead agency must support a caregiver in  
866 advocating for a child and may not retaliate against the  
867 caregiver as a result of this advocacy.

868 13. A caregiver must be as fully involved in the child's  
869 medical, psychological, and dental care as he or she would be  
870 for his or her biological child. The department and community-  
871 based care lead agency must support and facilitate such

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872 participation. The caregiver, the department, and the community-  
873 based care lead agency must share information with each other  
874 about the child's health and well-being.

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

880 15. A caregiver must ensure that a child in his or her  
881 care who is between 13 and 17 years of age learns and masters  
882 independent living skills.

883 16. The case manager and case manager supervisor must  
884 mediate disagreements that occur between a caregiver and the  
885 birth or legal parent.

886 (c) An employee of a residential group home must meet the  
887 background screening requirements under s. 39.0138 and the level  
888 2 screening standards for screening under chapter 435. An  
889 employee of a residential group home who works directly with a  
890 child as a caregiver must meet, at a minimum, the same  
891 education, training, background, and other screening  
892 requirements as caregivers in family foster homes licensed as  
893 level II under s. 409.175(5).

894 (3) RULEMAKING.—The department shall adopt rules necessary  
895 to administer this section.

896 Section 11. Section 409.145, Florida Statutes, is amended

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897 to read:

898 409.145 Care of children; ~~quality parenting~~; "reasonable  
899 and prudent parent" standard.—The child welfare system of the  
900 department shall operate as a coordinated community-based system  
901 of care which empowers all caregivers for children in foster  
902 care to provide quality parenting, including approving or  
903 disapproving a child's participation in activities based on the  
904 caregiver's assessment using the "reasonable and prudent parent"  
905 standard.

906 (1) SYSTEM OF CARE.—The department shall develop,  
907 implement, and administer a coordinated community-based system  
908 of care for children who are found to be dependent and their  
909 families. This system of care must be directed toward the  
910 following goals:

911 (a) Prevention of separation of children from their  
912 families.

913 (b) Intervention to allow children to remain safely in  
914 their own homes.

915 (c) Reunification of families who have had children  
916 removed from their care.

917 (d) Safety for children who are separated from their  
918 families by providing alternative emergency or longer-term  
919 parenting arrangements.

920 (e) Focus on the well-being of children through emphasis  
921 on maintaining educational stability and providing timely health

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922 care.

923 (f) Permanency for children for whom reunification with  
924 their families is not possible or is not in the best interest of  
925 the child.

926 (g) The transition to independence and self-sufficiency  
927 for older children who remain in foster care through  
928 adolescence.

929 ~~(2) QUALITY PARENTING. A child in foster care shall be~~  
930 ~~placed only with a caregiver who has the ability to care for the~~  
931 ~~child, is willing to accept responsibility for providing care,~~  
932 ~~and is willing and able to learn about and be respectful of the~~  
933 ~~child's culture, religion and ethnicity, special physical or~~  
934 ~~psychological needs, any circumstances unique to the child, and~~  
935 ~~family relationships. The department, the community-based care~~  
936 ~~lead agency, and other agencies shall provide such caregiver~~  
937 ~~with all available information necessary to assist the caregiver~~  
938 ~~in determining whether he or she is able to appropriately care~~  
939 ~~for a particular child.~~

940 ~~(a) Roles and responsibilities of caregivers. A caregiver~~  
941 ~~shall:~~

942 ~~1. Participate in developing the case plan for the child~~  
943 ~~and his or her family and work with others involved in his or~~  
944 ~~her care to implement this plan. This participation includes the~~  
945 ~~caregiver's involvement in all team meetings or court hearings~~  
946 ~~related to the child's care.~~

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947           ~~2. Complete all training needed to improve skills in~~  
948 ~~parenting a child who has experienced trauma due to neglect,~~  
949 ~~abuse, or separation from home, to meet the child's special~~  
950 ~~needs, and to work effectively with child welfare agencies, the~~  
951 ~~court, the schools, and other community and governmental~~  
952 ~~agencies.~~

953           ~~3. Respect and support the child's ties to members of his~~  
954 ~~or her biological family and assist the child in maintaining~~  
955 ~~allowable visitation and other forms of communication.~~

956           ~~4. Effectively advocate for the child in the caregiver's~~  
957 ~~care with the child welfare system, the court, and community~~  
958 ~~agencies, including the school, child care, health and mental~~  
959 ~~health providers, and employers.~~

960           ~~5. Participate fully in the child's medical,~~  
961 ~~psychological, and dental care as the caregiver would for his or~~  
962 ~~her biological child.~~

963           ~~6. Support the child's educational success by~~  
964 ~~participating in activities and meetings associated with the~~  
965 ~~child's school or other educational setting, including~~  
966 ~~Individual Education Plan meetings and meetings with an~~  
967 ~~educational surrogate if one has been appointed, assisting with~~  
968 ~~assignments, supporting tutoring programs, and encouraging the~~  
969 ~~child's participation in extracurricular activities.~~

970           ~~a. Maintaining educational stability for a child while in~~  
971 ~~out-of-home care by allowing the child to remain in the school~~

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972 ~~or educational setting that he or she attended before entry into~~  
973 ~~out-of-home care is the first priority, unless not in the best~~  
974 ~~interest of the child.~~

975 ~~b. If it is not in the best interest of the child to~~  
976 ~~remain in his or her school or educational setting upon entry~~  
977 ~~into out-of-home care, the caregiver must work with the case~~  
978 ~~manager, guardian ad litem, teachers and guidance counselors,~~  
979 ~~and educational surrogate if one has been appointed to determine~~  
980 ~~the best educational setting for the child. Such setting may~~  
981 ~~include a public school that is not the school of origin, a~~  
982 ~~private school pursuant to s. 1002.42, a virtual instruction~~  
983 ~~program pursuant to s. 1002.45, or a home education program~~  
984 ~~pursuant to s. 1002.41.~~

985 ~~7. Work in partnership with other stakeholders to obtain~~  
986 ~~and maintain records that are important to the child's well-~~  
987 ~~being, including child resource records, medical records, school~~  
988 ~~records, photographs, and records of special events and~~  
989 ~~achievements.~~

990 ~~8. Ensure that the child in the caregiver's care who is~~  
991 ~~between 13 and 17 years of age learns and masters independent~~  
992 ~~living skills.~~

993 ~~9. Ensure that the child in the caregiver's care is aware~~  
994 ~~of the requirements and benefits of the Road to Independence~~  
995 ~~Program.~~

996 ~~10. Work to enable the child in the caregiver's care to~~



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997 ~~establish and maintain naturally occurring mentoring~~  
 998 ~~relationships.~~

999 ~~(b) Roles and responsibilities of the department, the~~  
 1000 ~~community-based care lead agency, and other agency staff. The~~  
 1001 ~~department, the community-based care lead agency, and other~~  
 1002 ~~agency staff shall:~~

1003 ~~1. Include a caregiver in the development and~~  
 1004 ~~implementation of the case plan for the child and his or her~~  
 1005 ~~family. The caregiver shall be authorized to participate in all~~  
 1006 ~~team meetings or court hearings related to the child's care and~~  
 1007 ~~future plans. The caregiver's participation shall be facilitated~~  
 1008 ~~through timely notification, an inclusive process, and~~  
 1009 ~~alternative methods for participation for a caregiver who cannot~~  
 1010 ~~be physically present.~~

1011 ~~2. Develop and make available to the caregiver the~~  
 1012 ~~information, services, training, and support that the caregiver~~  
 1013 ~~needs to improve his or her skills in parenting children who~~  
 1014 ~~have experienced trauma due to neglect, abuse, or separation~~  
 1015 ~~from home, to meet these children's special needs, and to~~  
 1016 ~~advocate effectively with child welfare agencies, the courts,~~  
 1017 ~~schools, and other community and governmental agencies.~~

1018 ~~3. Provide the caregiver with all information related to~~  
 1019 ~~services and other benefits that are available to the child.~~

1020 ~~4. Show no prejudice against a caregiver who desires to~~  
 1021 ~~educate at home a child placed in his or her home through the~~

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1022 ~~child welfare system.~~

1023 ~~(c) Transitions.~~

1024 ~~1. Once a caregiver accepts the responsibility of caring~~

1025 ~~for a child, the child will be removed from the home of that~~

1026 ~~caregiver only if:~~

1027 ~~a. The caregiver is clearly unable to safely or legally~~

1028 ~~care for the child;~~

1029 ~~b. The child and his or her biological family are~~

1030 ~~reunified;~~

1031 ~~c. The child is being placed in a legally permanent home~~

1032 ~~pursuant to the case plan or a court order; or~~

1033 ~~d. The removal is demonstrably in the child's best~~

1034 ~~interest.~~

1035 ~~2. In the absence of an emergency, if a child leaves the~~

1036 ~~caregiver's home for a reason provided under subparagraph 1.,~~

1037 ~~the transition must be accomplished according to a plan that~~

1038 ~~involves cooperation and sharing of information among all~~

1039 ~~persons involved, respects the child's developmental stage and~~

1040 ~~psychological needs, ensures the child has all of his or her~~

1041 ~~belongings, allows for a gradual transition from the caregiver's~~

1042 ~~home and, if possible, for continued contact with the caregiver~~

1043 ~~after the child leaves.~~

1044 ~~(d) Information sharing. Whenever a foster home or~~

1045 ~~residential group home assumes responsibility for the care of a~~

1046 ~~child, the department and any additional providers shall make~~

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1047 ~~available to the caregiver as soon as is practicable all~~  
 1048 ~~relevant information concerning the child. Records and~~  
 1049 ~~information that are required to be shared with caregivers~~  
 1050 ~~include, but are not limited to:~~

- 1051 ~~1. Medical, dental, psychological, psychiatric, and~~  
 1052 ~~behavioral history, as well as ongoing evaluation or treatment~~  
 1053 ~~needs;~~
- 1054 ~~2. School records;~~
- 1055 ~~3. Copies of his or her birth certificate and, if~~  
 1056 ~~appropriate, immigration status documents;~~
- 1057 ~~4. Consents signed by parents;~~
- 1058 ~~5. Comprehensive behavioral assessments and other social~~  
 1059 ~~assessments;~~
- 1060 ~~6. Court orders;~~
- 1061 ~~7. Visitation and case plans;~~
- 1062 ~~8. Guardian ad litem reports;~~
- 1063 ~~9. Staffing forms; and~~
- 1064 ~~10. Judicial or citizen review panel reports and~~  
 1065 ~~attachments filed with the court, except confidential medical,~~  
 1066 ~~psychiatric, and psychological information regarding any party~~  
 1067 ~~or participant other than the child.~~

1068 ~~(c) Caregivers employed by residential group homes. All~~  
 1069 ~~caregivers in residential group homes shall meet the same~~  
 1070 ~~education, training, and background and other screening~~  
 1071 ~~requirements as foster parents.~~

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1072            (2)~~(3)~~ REASONABLE AND PRUDENT PARENT STANDARD.—

1073            (a) Definitions.—As used in this subsection, the term:

1074            1. "Age-appropriate" means an activity or item that is

1075 generally accepted as suitable for a child of the same

1076 chronological age or level of maturity. Age appropriateness is

1077 based on the development of cognitive, emotional, physical, and

1078 behavioral capacity which is typical for an age or age group.

1079            2. "Caregiver" means a person with whom the child is

1080 placed in out-of-home care, or a designated official for a group

1081 care facility licensed by the department under s. 409.175.

1082            3. "Reasonable and prudent parent" standard means the

1083 standard of care used by a caregiver in determining whether to

1084 allow a child in his or her care to participate in

1085 extracurricular, enrichment, and social activities. This

1086 standard is characterized by careful and thoughtful parental

1087 decisionmaking that is intended to maintain a child's health,

1088 safety, and best interest while encouraging the child's

1089 emotional and developmental growth.

1090            (b) Application of standard of care.—

1091            1. Every child who comes into out-of-home care pursuant to

1092 this chapter is entitled to participate in age-appropriate

1093 extracurricular, enrichment, and social activities.

1094            2. Each caregiver shall use the reasonable and prudent

1095 parent standard in determining whether to give permission for a

1096 child living in out-of-home care to participate in

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1097 extracurricular, enrichment, or social activities. When using  
 1098 the reasonable and prudent parent standard, the caregiver must  
 1099 consider:

1100 a. The child's age, maturity, and developmental level to  
 1101 maintain the overall health and safety of the child.

1102 b. The potential risk factors and the appropriateness of  
 1103 the extracurricular, enrichment, or social activity.

1104 c. The best interest of the child, based on information  
 1105 known by the caregiver.

1106 d. The importance of encouraging the child's emotional and  
 1107 developmental growth.

1108 e. The importance of providing the child with the most  
 1109 family-like living experience possible.

1110 f. The behavioral history of the child and the child's  
 1111 ability to safely participate in the proposed activity.

1112 (c) Verification of services delivered.—The department and  
 1113 each community-based care lead agency shall verify that private  
 1114 agencies providing out-of-home care services to dependent  
 1115 children have policies in place which are consistent with this  
 1116 section and that these agencies promote and protect the ability  
 1117 of dependent children to participate in age-appropriate  
 1118 extracurricular, enrichment, and social activities.

1119 (d) Limitation of liability.—A caregiver is not liable for  
 1120 harm caused to a child who participates in an activity approved  
 1121 by the caregiver, provided that the caregiver has acted in

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1122 accordance with the reasonable and prudent parent standard. This  
 1123 paragraph may not be interpreted as removing or limiting any  
 1124 existing liability protection afforded by law.

1125 (3)~~(4)~~ FOSTER CARE ROOM AND BOARD RATES.—

1126 (a) Effective July 1, 2018, room and board rates shall be  
 1127 paid to foster parents as follows:

1128 Monthly Foster Care Rate

1129

0-5 Years	6-12 Years	13-21 Years
Age	Age	Age
\$457.95	\$469.68	\$549.74

1130

1131

1132 (b) Each January, foster parents shall receive an annual  
 1133 cost of living increase. The department shall calculate the new  
 1134 room and board rate increase equal to the percentage change in  
 1135 the Consumer Price Index for All Urban Consumers, U.S. City  
 1136 Average, All Items, not seasonally adjusted, or successor  
 1137 reports, for the preceding December compared to the prior  
 1138 December as initially reported by the United States Department  
 1139 of Labor, Bureau of Labor Statistics. The department shall make  
 1140 available the adjusted room and board rates annually.

1141 (c) Effective July 1, 2019, foster parents of level I  
 1142 family foster homes, as defined in s. 409.175(5) (a) shall

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1143 receive a room and board rate of \$333.

1144 (d) Effective July 1, 2019, the foster care room and board  
 1145 rate for level II family foster homes as defined in s.  
 1146 409.175(5) (a) shall be the same as the new rate established for  
 1147 family foster homes as of January 1, 2019.

1148 (e) Effective January 1, 2020, paragraph (b) shall only  
 1149 apply to level II through level V family foster homes, as  
 1150 defined in s. 409.175(5) (a).

1151 (f) The amount of the monthly foster care room and board  
 1152 rate may be increased upon agreement among the department, the  
 1153 community-based care lead agency, and the foster parent.

1154 (g) From July 1, 2018, through June 30, 2019, community-  
 1155 based care lead agencies providing care under contract with the  
 1156 department shall pay a supplemental room and board payment to  
 1157 foster care parents of all family foster homes, on a per-child  
 1158 basis, for providing independent life skills and normalcy  
 1159 supports to children who are 13 through 17 years of age placed  
 1160 in their care. The supplemental payment shall be paid monthly to  
 1161 the foster care parents in addition to the current monthly room  
 1162 and board rate payment. The supplemental monthly payment shall  
 1163 be based on 10 percent of the monthly room and board rate for  
 1164 children 13 through 21 years of age as provided under this  
 1165 section and adjusted annually. Effective July 1, 2019, such  
 1166 supplemental payments shall only be paid to foster parents of  
 1167 level II through level V family foster homes.

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1168           ~~(4)-(5)~~ RULEMAKING.—The department shall adopt by rule  
 1169 procedures to administer this section.

1170           Section 12. Paragraphs (d) through (k) of subsection (6)  
 1171 of section 409.175, Florida Statutes, are redesignated as  
 1172 paragraphs (e) through (l), respectively, paragraph (b) and  
 1173 present paragraphs (h) and (i) of that subsection are amended,  
 1174 and a new paragraph (d) is added to that subsection, to read:

1175           409.175 Licensure of family foster homes, residential  
 1176 child-caring agencies, and child-placing agencies; public  
 1177 records exemption.—

1178           (6)

1179           (b) The department shall prescribe by rule the various  
 1180 roles of entities involved in the application process. Upon  
 1181 application for licensure, the department shall conduct a  
 1182 licensing study based on its licensing rules; shall inspect the  
 1183 home or the agency and the records, including financial records,  
 1184 of the applicant or agency; and shall interview the applicant.  
 1185 The department may authorize a licensed child-placing agency to  
 1186 conduct the licensing study of a family foster home to be used  
 1187 exclusively by that agency and to verify to the department that  
 1188 the home meets the licensing requirements established by the  
 1189 department. The department or authorized licensed child-placing  
 1190 agency must complete the licensing study of a family foster home  
 1191 within 30 days after initiation of the study. The department  
 1192 shall post on its website a list of the agencies authorized to



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1193 | conduct such studies. Upon certification ~~by a licensed child-~~  
 1194 | ~~placing agency~~ that a family foster home meets the licensing  
 1195 | requirements and upon receipt of a letter from a community-based  
 1196 | care lead agency in the service area where the home will be  
 1197 | licensed which indicates that the family foster home meets the  
 1198 | criteria established by the lead agency, the department shall  
 1199 | issue the license. A letter from the lead agency is not required  
 1200 | if the lead agency where the proposed home is located is  
 1201 | directly supervising foster homes in the same service area.

1202 |       (d) The department shall approve or deny an application  
 1203 | for licensure within 10 business days after receipt of a  
 1204 | completed family foster home application and other required  
 1205 | documentation as prescribed by rule. The department shall  
 1206 | approve or deny an application for licensure no later than 100  
 1207 | calendar days after the orientation required under subsection  
 1208 | (14). The department may exceed 100 calendar days to approve or  
 1209 | deny an application for licensure if additional certifications  
 1210 | are required under paragraph (5) (a).

1211 |       (i) ~~(h)~~ Upon determination that the applicant meets the  
 1212 | state minimum licensing requirements and has obtained a letter  
 1213 | from a community-based care lead agency which indicates that the  
 1214 | family foster home meets the criteria established by the lead  
 1215 | agency, the department shall issue a license without charge to a  
 1216 | specific person or agency at a specific location. A license may  
 1217 | be issued if all the screening materials have been timely

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1218 submitted; however, a license may not be issued or renewed if  
 1219 any person at the home or agency has failed the required  
 1220 screening. The license is nontransferable. A copy of the license  
 1221 shall be displayed in a conspicuous place. Except as provided in  
 1222 paragraph (k) ~~(j)~~, the license is valid for 1 year from the date  
 1223 of issuance, unless the license is suspended or revoked by the  
 1224 department or is voluntarily surrendered by the licensee. The  
 1225 license is the property of the department.

1226 (j) ~~(i)~~ The issuance of a license to operate a family  
 1227 foster home or agency does not require a lead agency to place a  
 1228 child with the home or agency. A license issued for the  
 1229 operation of a family foster home or agency, unless sooner  
 1230 suspended, revoked, or voluntarily returned, will expire  
 1231 automatically 1 year from the date of issuance except as  
 1232 provided in paragraph (k) ~~(j)~~. Ninety days prior to the  
 1233 expiration date, an application for renewal shall be submitted  
 1234 to the department by a licensee who wishes to have the license  
 1235 renewed. A license shall be renewed upon the filing of an  
 1236 application on forms furnished by the department if the  
 1237 applicant has first met the requirements established under this  
 1238 section and the rules promulgated hereunder.

1239 Section 13. Paragraph (j) of subsection (1) of section  
 1240 409.988, Florida Statutes, is amended to read:

1241 409.988 Lead agency duties; general provisions.—

1242 (1) DUTIES.—A lead agency:

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1243 (j) May subcontract for the provision of services required  
1244 by the contract with the lead agency and the department;  
1245 however, the subcontracts must specify how the provider will  
1246 contribute to the lead agency meeting the performance standards  
1247 established pursuant to the child welfare results-oriented  
1248 accountability system required by s. 409.997. The lead agency  
1249 shall directly provide no more than 35 percent of all child  
1250 welfare services provided unless it can demonstrate a need,  
1251 within the lead agency's geographic service area, to exceed this  
1252 threshold. The local community alliance in the geographic  
1253 service area in which the lead agency is seeking to exceed the  
1254 threshold shall review the lead agency's justification for need  
1255 and recommend to the department whether the department should  
1256 approve or deny the lead agency's request for an exemption from  
1257 the services threshold. If there is not a community alliance  
1258 operating in the geographic service area in which the lead  
1259 agency is seeking to exceed the threshold, such review and  
1260 recommendation shall be made by representatives of local  
1261 stakeholders, including at least one representative from each of  
1262 the following:

- 1263 1. The department.
- 1264 2. The county government.
- 1265 3. The school district.
- 1266 4. The county United Way.
- 1267 5. The county sheriff's office.

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1268 |           6. The circuit court corresponding to the county.

1269 |           7. The county children's board, if one exists.

1270 |           Section 14. Paragraph (b) of subsection (7) of section  
1271 | 39.302, Florida Statutes, is amended to read:

1272 |           39.302 Protective investigations of institutional child  
1273 | abuse, abandonment, or neglect.—

1274 |           (7) When an investigation of institutional abuse, neglect,  
1275 | or abandonment is closed and a person is not identified as a  
1276 | caregiver responsible for the abuse, neglect, or abandonment  
1277 | alleged in the report, the fact that the person is named in some  
1278 | capacity in the report may not be used in any way to adversely  
1279 | affect the interests of that person. This prohibition applies to  
1280 | any use of the information in employment screening, licensing,  
1281 | child placement, adoption, or any other decisions by a private  
1282 | adoption agency or a state agency or its contracted providers.

1283 |           (b) Likewise, if a person is employed as a caregiver in a  
1284 | residential group home licensed under ~~pursuant to~~ s. 409.175 and  
1285 | is named in any capacity in three or more reports within a 5-  
1286 | year period, the department may review all reports for the  
1287 | purposes of the employment screening required under s.  
1288 | 409.1415(2)(c) ~~pursuant to s. 409.145(2)(c)~~.

1289 |           Section 15. Paragraph (d) of subsection (5) of section  
1290 | 39.6225, Florida Statutes, is amended to read:

1291 |           39.6225 Guardianship Assistance Program.—

1292 |           (5) A guardian with an application approved pursuant to

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1293 subsection (2) who is caring for a child placed with the  
 1294 guardian by the court pursuant to this part may receive  
 1295 guardianship assistance payments based on the following  
 1296 criteria:

1297 (d) The department shall provide guardianship assistance  
 1298 payments in the amount of \$4,000 annually, paid on a monthly  
 1299 basis, or in an amount other than \$4,000 annually as determined  
 1300 by the guardian and the department and memorialized in a written  
 1301 agreement between the guardian and the department. The agreement  
 1302 shall take into consideration the circumstances of the guardian  
 1303 and the needs of the child. Changes may not be made without the  
 1304 concurrence of the guardian. However, ~~in no case shall~~ the  
 1305 amount of the monthly payment may not exceed the foster care  
 1306 maintenance payment that would have been paid during the same  
 1307 period if the child had been in licensed care at his or her  
 1308 designated level of care at the rate established in s.  
 1309 409.145(3) ~~s. 409.145(4)~~.

1310 Section 16. Paragraph (b) of subsection (5) of section  
 1311 393.065, Florida Statutes, is amended to read:

1312 393.065 Application and eligibility determination.—

1313 (5) The agency shall assign and provide priority to  
 1314 clients waiting for waiver services in the following order:

1315 (b) Category 2, which includes individuals on the waiting  
 1316 list who are:

1317 1. From the child welfare system with an open case in the

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1318 Department of Children and Families' statewide automated child  
 1319 welfare information system and who are either:

1320 a. Transitioning out of the child welfare system at the  
 1321 finalization of an adoption, a reunification with family  
 1322 members, a permanent placement with a relative, or a  
 1323 guardianship with a nonrelative; or

1324 b. At least 18 years but not yet 22 years of age and who  
 1325 need both waiver services and extended foster care services; or

1326 2. At least 18 years but not yet 22 years of age and who  
 1327 withdrew consent pursuant to s. 39.6251(5)(c) to remain in the  
 1328 extended foster care system.

1329

1330 For individuals who are at least 18 years but not yet 22 years  
 1331 of age and who are eligible under sub-subparagraph 1.b., the  
 1332 agency shall provide waiver services, including residential  
 1333 habilitation, and the community-based care lead agency shall  
 1334 fund room and board at the rate established in s. 409.145(3) ~~s.~~  
 1335 ~~409.145(4)~~ and provide case management and related services as  
 1336 defined in s. 409.986(3)(e). Individuals may receive both waiver  
 1337 services and services under s. 39.6251. Services may not  
 1338 duplicate services available through the Medicaid state plan.

1339

1340 Within categories 3, 4, 5, 6, and 7, the agency shall maintain a  
 1341 waiting list of clients placed in the order of the date that the  
 1342 client is determined eligible for waiver services.

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1343 Section 17. Paragraph (b) of subsection (2) of section  
 1344 409.1451, Florida Statutes, is amended to read:

1345 409.1451 The Road-to-Independence Program.—

1346 (2) POSTSECONDARY EDUCATION SERVICES AND SUPPORT.—

1347 (b) The amount of the financial assistance shall be as  
 1348 follows:

1349 1. For a young adult who does not remain in foster care  
 1350 and is attending a postsecondary school as provided in s.  
 1351 1009.533, the amount is \$1,256 monthly.

1352 2. For a young adult who remains in foster care, is  
 1353 attending a postsecondary school, as provided in s. 1009.533,  
 1354 and continues to reside in a licensed foster home, the amount is  
 1355 the established room and board rate for foster parents. This  
 1356 takes the place of the payment provided for in s. 409.145(3) ~~s.~~  
 1357 ~~409.145(4)~~.

1358 3. For a young adult who remains in foster care, but  
 1359 temporarily resides away from a licensed foster home for  
 1360 purposes of attending a postsecondary school as provided in s.  
 1361 1009.533, the amount is \$1,256 monthly. This takes the place of  
 1362 the payment provided for in s. 409.145(3) ~~s. 409.145(4)~~.

1363 4. For a young adult who remains in foster care, is  
 1364 attending a postsecondary school as provided in s. 1009.533, and  
 1365 continues to reside in a licensed group home, the amount is  
 1366 negotiated between the community-based care lead agency and the  
 1367 licensed group home provider.

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1368           5. For a young adult who remains in foster care, but  
1369 temporarily resides away from a licensed group home for purposes  
1370 of attending a postsecondary school as provided in s. 1009.533,  
1371 the amount is \$1,256 monthly. This takes the place of a  
1372 negotiated room and board rate.

1373           6. A young adult is eligible to receive financial  
1374 assistance during the months when he or she is enrolled in a  
1375 postsecondary educational institution.

1376           Section 18. This act shall take effect July 1, 2020.