



State of Florida
Department of Children and Families

Ron DeSantis
Governor

Shevaun L. Harris
Secretary

DATE: January 10, 2025

TO: DCF Office of Licensing
Community-Based Care Lead Agency CEOs

THROUGH: Kathryn Williams, Deputy Secretary *KW*
Martha Harbin, Assistant Secretary, Office of Quality and Innovation *MHX*

FROM: April E. Rolle, Esq., Director of Strategic Initiatives

SUBJECT: Clarifying Foster Home Licensing Rules
DUE DATE: Effective Immediately

PURPOSE: The purpose of this memo is to provide instructions to foster home licensing professionals to create consistency and timeliness in the licensing processes across the state.

BACKGROUND:

Rule 65C-45, Florida Administrative Code (F.A.C.), outlines the rules that control foster home licensing. In September 2024, the Department solicited feedback from child-placing agencies on the barriers to licensing, relicensing and regulating Levels I-V foster homes. This memo will address the identified barriers that may be remedied by clarifying the subject Rules.

ACTION REQUIRED: In order to clarify licensing requirements in foster home licensing processes, licensing professionals must adhere to the following procedures:

1. Background Screening.

- a. **Local Criminal Records Check.** F.A.C. 65C-45.001(2)(c) provides that the screenings shall include “Local criminal records check through local law enforcement agencies, including records of any responses to the home by law enforcement that did not result in criminal charges.” These screenings shall include records of any law enforcement responses to any Florida residences lived in during the preceding 12 months.
- b. **Background Screens for Children Turning 12 or 18** – F.A.C. 65C-45.001(6) provides that Juvenile and Abuse and Neglect records checks shall be completed for household members 12-17 years of age. To prevent the license from lapsing when a youth turns 12 or 18 while in the home:
 - (1) Prior to the youth’s 12th birthday, the child welfare professional may start the abuse and neglect records check and the Juvenile check, then submit on the youth’s birthday.
 - (2) Prior to the youth’s 18th birthday, the child welfare professional may start the abuse and neglect records check and live scan, then submit on the youth’s birthday.

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- c. **Affidavit of Good Moral Character (AGMC)** – F.A.C. 65C-45.001(4) provides in pertinent part, “Each applicant and adult household member being screened shall sign an “Affidavit of Good Moral Character...” This AGMC is only required for initial licensure except when a new adult joins the household. When a new adult is added to the household, that individual must sign an AGMC.
 - d. **Adam Walsh Checks** – F.A.C. 65C-45.001(3) provides, “If the applicant or any other adult household member has resided in any other state during the past five (5) years, requests for abuse and neglect histories and the results of such requests shall be included with the application file.” At the time of initial placement by a CPI, out of state checks (Adam Walsh) must be requested by the CPI prior to case transfer.
 - e. **Also Known As (AKA)** – F.A.C. 65C-45.001(5) provides in pertinent part, “Each applicant and household member being screened under this rule shall provide all the names under which he or she has been known.”
 - (1) Each AKA name provided by the applicant or household member must be documented in the application and/or home study. The name(s) screened must be the same spelling as the name(s) in the application and home study.
 - (2) Local Backgrounds - If a name with a different or similar spelling is listed in the background results, the child welfare professional is required to screen the different or similar name unless the licensing specialist advises the Department in writing that law enforcement was contacted and confirmed the result was based on a misspelling.
 - (3) If a name with a different or similar spelling is listed in a report, i.e. abuse registry report, which the licensing specialist has reason to believe is a misspelling, the licensing specialist must: (1) ask the applicant if they have ever been known by the name, and (2) obtain written documentation from the applicant acknowledging they have never been known by the name.
2. **Conflict of Interest.** F.A.C. 65C-45.013 provides, “Employees, Relatives and Sub-Contractors as Licensed Out-of-Home Caregivers. Licensing of employees of the Department, county sheriff’s offices, community-based care lead agencies and their subcontracted providers or their relatives who desire to become out-of-home caregivers is allowable if the following conditions are met: . . .” The reference to “county sheriff’s office” applied in areas where child protective investigations were handled by the local sheriff’s department. Therefore, this section no longer applies to local sheriff’s departments.

CONTACT INFORMATION: Should you have questions about this communication, please contact Courtney Smith, Office of Licensing Director of Policy and Programs, at courtney.smith@myflfamilies.com or (850) 717-4660.

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