

Tab 1 SB 886 by Powell; (Compare to CS/H 00791) Public Records/Substance Abuse Impaired Persons						
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Tab 2 SB 1024 by Stewart; (Identical to H 00381) Public Records/Homeless Management Information System						
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Tab 3 SB 1044 by Garcia (CO-INTRODUCERS) Campbell; (Similar to H 01121) Child Welfare						
158292	A	S	CF, Garcia	Delete L.275:	03/10	04:33 PM
111568	A	S	CF, Garcia	Delete L.960 - 964:	03/10	04:33 PM
268626	A	S	CF, Garcia	Delete L.971 - 976:	03/10	04:33 PM
312264	A	S	CF, Garcia	Delete L.1105 - 1188:	03/10	04:33 PM
128382	A	S	CF, Garcia	Delete L.1459 - 1462:	03/10	04:34 PM
552984	A	S	CF, Garcia	btw L.1567 - 1568:	03/10	04:35 PM
719440	A	S	CF, Garcia	btw L.1690 - 1691:	03/10	04:35 PM
228716	A	S	CF, Garcia	btw L.1693 - 1694:	03/10	04:35 PM
683624	A	S	CF, Garcia	Delete L.1830:	03/10	04:35 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Garcia, Chair
Senator Torres, Vice Chair

MEETING DATE: Monday, March 13, 2017

TIME: 4:30—6:00 p.m.

PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Garcia, Chair; Senator Torres, Vice Chair; Senators Artiles, Broxson, Campbell, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 886 Powell (Compare CS/H 791)	Public Records/Substance Abuse Impaired Persons; Providing an exemption from public records requirements for petitions for involuntary assessment and stabilization, court orders, related records, and personal identifying information regarding substance abuse impaired persons; providing a statement of public necessity, etc. CF 03/13/2017 GO RC	
2	SB 1024 Stewart (Identical H 381)	Public Records/Homeless Management Information System; Creating a public records exemption for individual identifying information of a person contained in a Point-in-Time Count and Survey or data in a Homeless Management Information System; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CF 03/13/2017 GO RC	
3	SB 1044 Garcia (Similar H 1121, Compare CS/H 23, S 570, S 1400)	Child Welfare; Providing that central abuse hotline information may be used for employment screening of residential group home caregivers; requiring a court to inquire as to the identity and location of a child's legal father at the shelter hearing; requiring a court to consider maltreatment allegations against a parent in an evidentiary hearing relating to a dependency petition; requiring a court to conduct under oath the inquiry to determine the identity or location of an unknown parent after the filing of a termination of parental rights petition, etc. CF 03/13/2017 JU AP	
TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION

- 4 **Senate Confirmation Hearing:** A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

COMMITTEE MEETING EXPANDED AGENDA

Children, Families, and Elder Affairs

Monday, March 13, 2017, 4:30—6:00 p.m.

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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Secretary of Elderly Affairs

Bragg, Jeffrey S. (Palm Harbor)

Pleasure of Governor

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 886

INTRODUCER: Senator Powell

SUBJECT: Public Records/Substance Abuse Impaired Persons

DATE: March 10, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 886 creates a new exemption from the public records inspection and access requires of Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S., for petitions for involuntary assessment and stabilization of a substance abuse impaired person filed pursuant to s. 397.6815, F.S.

The bill provides for a retroactive application of the public records exemption.

The bill has an effective date of July 1, 2017, and has no fiscal impact.

II. Present Situation:

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that it is the policy of this state that all state, county and municipal records are open for personal

¹ FLA. CONST., art. I, s. 24(a).

² FLA. CONST., art. I, s. 24(a).

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹³ Records designated as ‘confidential and exempt’ may

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ FLA. CONST., art. I, s. 24(c).

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.¹⁴

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. The Legislature must consider the following questions during its review of an exemption:¹⁷

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.¹⁸ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.¹⁹

Section 397.301, F.S., creates the Hal. S. Marchman Alcohol and Other Drug Services Act (the “Marchman Act”). This act was created by the Legislature to provide assistance to substance abuse impaired persons through health and rehabilitative services. Currently, s. 397.6811, F.S., allows a petition for involuntary assessment and stabilization to be filed by a person’s spouse or guardian, any relative, a private practitioner, the director of a licensed service provider or any

¹⁴ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

¹⁵ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed; however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

¹⁶ Section 119.15(3), F.S.

¹⁷ Section 119.15(6)(a), F.S.

¹⁸ FLA. CONST., art. I, s. 24(c).

¹⁹ Section 119.15(7), F.S.

three adults who have personal knowledge of the person's substance abuse impairment. Allowing petitions filed under this part to be confidential and exempt from s. 119.07(1), F.S. and s. 24(a), Art. I of the State Constitution protects a person's personal health information and sensitive personal information which, if released, could cause unwarranted damage to the person's reputation. Additionally, the knowledge that such information could be disclosed could have a chilling effect on the willingness of individuals to seek treatment.

III. Effect of Proposed Changes:

Section 1 amends s. 397.6815, F.S., to provide that petitions for involuntary assessment and stabilization filed with the court under this part are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall be released under the following circumstances:

- With the approval of the respondent, or other specified individuals, if necessary to ensure continuity of the respondent's health care.
- Upon the court's order for good cause.
- To the Department of Corrections if the respondent is committed or is to be returned to the custody of the Department of Corrections from the Department of Children and Families.

The bill provides for retroactive application of the public records exemption.²⁰

Section 2 provides a statement of public necessary as required by the State Constitution.²¹

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Voting Requirement

Article I, Section 24(c) of the Florida Constitution requires a two-thirds vote of each chamber for public records exemptions to pass.

Breadth of Exemption

Article I, Section 24(c) of the Florida Constitution requires a newly created public records exemption to be no broader than necessary to accomplish the state purpose of the law. The bill exempts certain identifying information of homeless persons. This bill appears to be no broader than necessary to accomplish the public necessity for this public records exemption.

²⁰ The Supreme Court of Florida ruled that a public record exemption is not to be applied retroactively unless the legislation clearly expresses intent that such exemption is to be applied retroactively. *Memorial Hospital-West Volusia, Inc. v. News-Journal Corporation*, 729 So.2d 373 (Fla.2001).

²¹ Section 24(c), Art. I of the State Constitution.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

There is an indeterminate impact on circuit courts. Currently, circuit courts maintain the confidentiality of clinical records within Marchman Act cases. In this bill, petitions for involuntary assessment and stabilization will also be confidential. Circuit courts may see an indeterminate increase in costs to keep additional records confidential.

VI. Technical Deficiencies:

Section 119.15(2), F.S., provides for the review and repeal or reenactment of an exemption from s. 24, Art. I of the State Constitution and s. 119.071(1) or s. 286.011. In the 5th year after enactment of a new exemption or substantial amendment of an existing exemption, the exemption shall be repealed on October 2nd of the 5th year, unless the Legislature acts to reenact the exemption.²² If this exemption is intended to be reviewed under the Open Government Sunset Review statute, the appropriate language should be included in the bill.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 397.6815 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

²² Section 119.15(3), F.S. The Open Government Sunset Review process is currently being followed; however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So.3d 379 (Fla. 2013).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Powell)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 397.6760, Florida Statutes, is created
to read:

397.6760 Court records; confidentiality.-

(1) All petitions for involuntary assessment and
stabilization, court orders, and related records that are filed
with or by a court under this part are confidential and exempt



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11 from s. 119.071(1) and s. 24(a), Art. I of the State
12 Constitution. Pleadings and other documents made confidential
13 and exempt by this section may be disclosed by the clerk of the
14 court, upon request, to any of the following:

15 (a) The petitioner.

16 (b) The petitioner's attorney.

17 (c) The respondent.

18 (d) The respondent's attorney.

19 (e) The respondent's guardian or guardian advocate, if
20 applicable.

21 (f) In the case of a minor respondent, the respondent's
22 parent, guardian, legal custodian, or guardian advocate.

23 (g) The respondent's treating health care practitioner.

24 (h) The respondent's health care surrogate or proxy.

25 (i) The Department of Corrections, without charge and upon
26 request if the respondent is committed or is to be returned to
27 the custody of the Department of Corrections from the Department
28 of Children and Families.

29 (j) A person or entity authorized to view records upon a
30 court order for good cause. In determining if there is good
31 cause for the disclosure of records, the court must weigh the
32 person or entity's need for the information against potential
33 harm to the respondent from the disclosure.

34 (2) This section does not preclude the clerk of the court
35 from submitting the information required by s. 790.065 to the
36 Department of Law Enforcement.

37 (3) The clerk of the court may not publish personal
38 identifying information on a court docket or in a publicly
39 accessible file.



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(4) A person or entity receiving information pursuant to this section shall maintain such information as confidential and exempt from s. 119.07(1).

(5) The exemption under this section applies to all documents filed with a court before, on, or after July 1, 2017.

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that petitions for involuntary assessment and stabilization and related court orders and records that are filed with or by a court under part V of chapter 397, Florida Statutes, and the personal identifying information of a substance abuse impaired person which is published on a court docket and maintained by the clerk of the court under part V of chapter 397, Florida Statutes, be made confidential and exempt from disclosure under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. A person's health and sensitive, personal information regarding his or her actual or alleged substance abuse impairment are intensely private matters. The media have obtained, and published information from, such records without the affected person's consent. The content of such records or personal identifying information should not be made public merely because they are filed with or by a court or placed on a docket. Making such petitions, orders, records, and identifying information confidential and exempt from disclosure will protect such persons from the release of sensitive, personal information which could damage their and



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their families' reputations. The publication of personal
identifying information on a physical or virtual docket,
regardless of whether any other record is published, defeats the
purpose of protections otherwise provided. Further, the
knowledge that such sensitive, personal information is subject
to disclosure could have a chilling effect on a person's
willingness to seek out and comply with substance abuse
treatment services.

Section 3. This act shall take effect July 1, 2017.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to public records; creating s.
397.6760, F.S.; providing an exemption from public
records requirements for petitions for involuntary
assessment and stabilization, court orders, related
records, and personal identifying information
regarding substance abuse impaired persons; providing
exceptions authorizing the release of such petitions,
orders, records, and identifying information to
certain persons and entities; providing applicability;
prohibiting a clerk of court from publishing personal
identifying information on a court docket or in a
publicly accessible file; providing for retroactive
application; providing for future legislative review
and repeal of the exemption; providing a statement of



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public necessity; providing an effective date.

By Senator Powell

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A bill to be entitled

An act relating to public records; amending s. 397.6815, F.S.; providing an exemption from public records requirements for petitions for involuntary assessment and stabilization, court orders, related records, and personal identifying information regarding substance abuse impaired persons; providing exceptions authorizing the release of such petitions, orders, records, and identifying information to certain persons and entities; providing for retroactive application; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 397.6815, Florida Statutes, is amended to read:

397.6815 Involuntary assessment and stabilization; public records exemption; procedure.—

(1) Petitions for involuntary assessment and stabilization, court orders, and related records that are filed with or by a court under this part are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) Personal identifying information published on a court docket and maintained by the clerk of the court under this part is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) Notwithstanding paragraph (4)(a), such petitions, orders, records, and identifying information shall be released

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upon request to:

(a) Any person responsible for ensuring the continuity of the respondent's health care, upon approval by the respondent, the respondent's guardian, or, in the case of a minor, the respondent's parent, guardian, legal custodian, or guardian advocate.

(b) Any agency or individual who has obtained a court order finding good cause for releasing such petitions, orders, records, or identifying information. In determining whether there is good cause for disclosure, the court shall weigh the need for disclosure against the possible harm of disclosure to the respondent.

(c) The Department of Corrections, if the respondent is committed to the department or scheduled to be returned to the custody of the department from the custody of the Department of Children and Families. When the Department of Corrections requests such information, the service charge shall be waived.

(4) Upon receipt and filing of the petition for the involuntary assessment and stabilization of a substance abuse impaired person by the clerk of the court, the court shall ascertain whether the respondent is represented by an attorney, and if not, whether, on the basis of the petition, an attorney should be appointed; and shall:

(a) ~~(1)~~ Provide a copy of the petition and notice of hearing to the respondent; the respondent's parent, guardian, ~~or~~ legal custodian, or guardian advocate, in the case of a minor; the respondent's attorney, ~~if known~~; the petitioner; the respondent's spouse or guardian, if applicable; and such other persons as the court may direct pursuant to paragraph (3)(b),

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and have such petition and notice personally delivered to the respondent if he or she is a minor. The court shall also issue a summons to the person whose admission is sought and conduct a hearing within 10 days; or

(b) ~~(2)~~ Without the appointment of an attorney and ~~r~~ relying solely on the contents of the petition, enter an ex parte order authorizing the involuntary assessment and stabilization of the respondent. The court may order a law enforcement officer or other designated agent of the court to take the respondent into custody and deliver him or her to the nearest appropriate licensed service provider.

(5) The exemption provided in subsection (1) applies retroactively.

Section 2. The Legislature finds that it is a public necessity that petitions for involuntary assessment and stabilization and related court orders and records that are filed with or by a court under part V of chapter 397, Florida Statutes, and the personal identifying information of a substance abuse impaired person which is published on a court docket and maintained by the clerk of the court under part V of chapter 397, Florida Statutes, be made confidential and exempt from disclosure under s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. A person's health and sensitive, personal information regarding his or her actual or alleged substance abuse impairment are intensely private matters. The media have obtained, and published information from, such records without the affected persons' consent. The content of such records or personal identifying information should not be made public merely because they are filed with or

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by a court or placed on a docket. Making such petitions, orders, records, and identifying information confidential and exempt from disclosure will protect such persons from the release of sensitive, personal information which could damage their and their families' reputations. The publication of personal identifying information on a physical or virtual docket, regardless of whether any other record is published, defeats the purpose of protections otherwise provided. Further, the knowledge that such sensitive, personal information is subject to disclosure could have a chilling effect on a person's willingness to seek out and comply with substance abuse treatment services.

Section 3. This act shall take effect July 1, 2017.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1024

INTRODUCER: Senator Stewart

SUBJECT: Public Records/Homeless Management Information System

DATE: March 10, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 1024 creates an exemption from the public records requirements for individual identifying information on homeless persons. Such data is collected pursuant to federal and state law and if made public, could lead to discrimination, injury, and pose a barrier to homeless persons receiving services. The bill provides the exemption is subject to the Open Government Sunset Review Act and unless reviewed and saved from repeal through reenactment by the Legislature shall be repealed on October 2, 2022.

The bill has no fiscal impact on the state and will become effective upon becoming law.

II. Present Situation:

Homelessness

Although recent progress has been made in reducing the number of homeless individuals and families, ending homelessness remains a priority in communities across the country. According to a Point-in-Time Count from January 2015, 564,708 people were homeless on a given night in the United States.¹ This number includes both homeless individuals and homeless families. Less than 20% of the homeless population are chronically homeless, defined as someone who has experienced homelessness for a year or longer, or who has experienced at least four episodes of homelessness in the last three years, and has a disability.² Other sub-populations that are a key focus include veterans, youth aging out of foster care, and LGBTQ youth. At the federal level, the Department of Housing and Urban Development (HUD) oversees efforts to reduce and eliminate homelessness.

¹ Department of Housing and Urban Development. <https://www.hudexchange.info/programs/policy-areas/#homelessness>. Last visited March 8, 2017.

² *Id.*

In Florida, responsibility for addressing homelessness is shared between the Department of Children and Families (DCF) and the Department of Economic Opportunity (DEO). The State Office on Homelessness is housed within DCF to coordinate efforts relating to homelessness.³ DCF supports the Council on Homelessness that oversees services and funding the homeless.⁴ The council develops policy and advises the State Office on Homelessness. The council members include: the Secretary of Children and Families, the executive director of the Department of Economic Opportunity, the State Surgeon General, the Executive Director of Veterans' Affairs, the Secretary of Corrections, the Secretary of Health Care Administration, the Commissioner of Education, the Director of CareerSource Florida, Inc., one representative of the Florida Association of Counties, one representative of the Florida League of Cities, one representative of the Florida Supportive Housing Coalition, the Executive Director of the Florida Housing Finance Corporation, one representative of the Florida Coalition for the Homeless, and four members appointed by the Governor.⁵ The council coordinates among state, local, and private agencies and providers to produce a statewide inventory for the state's system of homeless programs which incorporates regionally developed plans.

DEO establishes local coalitions to plan, network, coordinate, and monitor the delivery of services to the homeless.⁶ The local coalitions develop the local homeless continuum of care plan⁷, for the area of the county or region served by the local homeless coalition. Unless otherwise specified in the plan, the local coalition serves as the lead agency for the local homeless assistance continuum of care. The local coalitions receive funding from a grant program to provide services to the homeless.⁸ The amount of these grants, referred to as "challenge" grants, totaled \$5 million statewide for fiscal year 2016-2017.⁹ In addition, the state provided \$3.3 million for homeless housing assistance.¹⁰ These funds were appropriated to DCF to distribute to local homeless coalitions throughout the state.

Local communities must establish a homeless assistance continuum of care.¹¹ This continuum is a framework for a comprehensive and seamless array of emergency, transitional, and permanent housing, and services to address the various needs of homeless persons and persons at risk for homelessness. Each local continuum of care plan must designate a lead agency that will serve as the point of contact and accountability to the State Office on Homelessness. The lead agency may be a local homeless coalition, municipal or county government, or other public agency or private, not-for-profit corporation.

³ Section 420.622, F.S.

⁴ *Id.*

⁵ *Id.*

⁶ Section 420.623, F.S.

⁷ Section 420.624, F.S., provides that a local homeless assistance continuum of care is a framework for a comprehensive and seamless array of emergency, transitional, and permanent housing, and services to address the various needs of homeless persons and persons at risk for homelessness.

⁸ Section 420.625, F.S.

⁹ Specific Appropriation 361, General Appropriations Act, Chapter 2016-66, Laws of Florida.

¹⁰ Specific Appropriation 363, General Appropriations Act, Chapter 2016-66, Laws of Florida.

¹¹ Section 420.624, F.S.

Data on Homelessness

In Florida, the Council on Homelessness collects, maintains, and makes available information concerning persons who are homeless or at risk for homelessness, including demographics information, current services and resources available, the cost and availability of services and programs, and the met and unmet needs of this population. All entities that receive state funding must provide access to all data they maintain in summary form, with no individual identifying information, to assist the council in providing this information. The State Office on Homelessness, in consultation with the Council on Homelessness and lead agencies for a local homeless continuum of care, specifies the system and process of data collection. All lead agencies provide data for the purpose of analyzing trends and assessing impacts in the statewide homeless delivery system. Any statewide homelessness survey and database system must comply with all state and federal statutory and regulatory confidentiality requirements.

The U.S. Department of Housing and Urban Development (HUD) maintains Homeless Management Information Systems (HMIS) to better inform homeless policy and decision making at the federal, state, and local levels.¹² HUD collects national-level data on the extent and nature of homelessness over time. Specifically, a HMIS can be used to produce an unduplicated count of homeless persons, understand patterns of service use, and measure the effectiveness of homeless programs. Data on homeless persons is collected and maintained at the local level. HMIS implementations can encompass geographic areas ranging from a single county to an entire state.

The HEARTH Act, enacted into law on May 20, 2009, requires that all communities have an HMIS with the capacity to collect unduplicated counts of individuals and families experiencing homelessness.¹³ These data systems must collect the following data elements for the homeless:

- Name
- Social Security Number
- Date of Birth
- Race
- Ethnicity
- Gender
- Veteran Status
- Disabling Condition
- Residence Prior to Project Entry
- Project Entry Date
- Project Exit Date
- Destination
- Personal ID
- Household ID
- Relationship to Head of Household
- Client Location Code

¹² Department of Housing and Urban Development. <https://www.hudexchange.info/programs/hmis/>. Last visited March 8, 2017.

¹³ *Id.*

- Length of Time on Street, in an Emergency Shelter or Safe Haven

HUD is currently developing rules for basic privacy and security requirements for client-level data.¹⁴

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹⁵ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.¹⁶

In addition to the Florida Constitution, the Florida Statutes provides that the public may access legislative and executive branch records.¹⁷ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.¹⁸ The Public Records Act states that:

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.¹⁹

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.²⁰ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”²¹ A violation of the Public Records Act may result in civil or criminal liability.²²

The Legislature may create an exemption to public records requirements.²³ An exemption must pass by a two-thirds vote of the House and the Senate.²⁴ In addition, an exemption must

¹⁴ *Id.*

¹⁵ FLA. CONST., art. I, s. 24(a).

¹⁶ FLA. CONST., art. I, s. 24(a).

¹⁷ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

¹⁸ Public records laws are found throughout the Florida Statutes.

¹⁹ Section 119.01(1), F.S.

²⁰ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

²¹ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

²² Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

²³ FLA. CONST., art. I, s. 24(c).

²⁴ FLA. CONST., art. I, s. 24(c).

explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.²⁵ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.²⁶

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’²⁷ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian.²⁸

Open Government Sunset Review Act

In addition to the constitutional requirements relating to the enactment of a public records exemption, the Legislature may subject the new or broadened exemption to the Open Government Sunset Review Act (OGSR).

The OGSR prescribes a legislative review process for newly created or substantially amended public records.²⁹ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.³⁰ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

Under the OGSR the purpose and necessity of reenacting the exemption are reviewed. The Legislature must consider the following questions during its review of an exemption:³¹

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?

²⁵ FLA. CONST., art. I, s. 24(c).

²⁶ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So.2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

²⁷ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

²⁸ A record classified as exempt from public disclosure may be disclosed under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

²⁹ Section 119.15, F.S. According to s. 119.15(4)(b), F.S., a substantially amended exemption is one that is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S. The OGSR process is currently being followed, however, the Legislature is not required to continue to do so. The Florida Supreme Court has found that one legislature cannot bind a future legislature. *Scott v. Williams*, 107 So. 3d 379 (Fla. 2013).

³⁰ Section 119.15(3), F.S.

³¹ Section 119.15(6)(a), F.S.

- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

If the Legislature expands an exemption, then a public necessity statement and a two-thirds vote for passage are required.³² If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.³³

III. Effect of Proposed Changes:

The bill creates s. 420.6231, F.S., to create an exemption to the public records requirements for individual identifying information in homelessness surveys and databases. The bill defines “individual identifying information” as any information that directly or indirectly identifies a person. The bill would exempt information held before and after the effective date of the bill. The bill allows the release of aggregate information on homelessness. The bill states that the exemption is subject to the Open Government Sunset Review Act and unless reenacted by the Legislature, expires October 2, 2022.

The bill finds that it is a public necessity to exempt this information from the public records requirements because the release of such information could lead to discrimination, injury, and pose a barrier to homeless persons receiving services.

The bill shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Voting Requirement

Article I, Section 24(c) of the Florida Constitution requires a two-thirds vote of each chamber for public records exemptions to pass.

Breadth of Exemption

Article I, Section 24(c) of the Florida Constitution requires a newly created public records exemption to be no broader than necessary to accomplish the state purpose of the law. The bill exempts certain identifying information of homeless persons. This bill appears to be no broader than necessary to accomplish the public necessity for this public records exemption.

³² FLA. CONST., art. I, s. 24(c).

³³ Section 119.15(7), F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private agencies and organizations will have to ensure that identifying information on homeless persons is held in confidence.

C. Government Sector Impact:

Governmental agencies and organizations will have to ensure that identifying information on homeless persons is held in confidence.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 420.6231 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Stewart

13-01266-17

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A bill to be entitled

An act relating to public records; creating s. 420.6231, F.S.; creating a public records exemption for individual identifying information of a person contained in a Point-in-Time Count and Survey or data in a Homeless Management Information System; defining the term "individual identifying information"; providing for retroactive application of the exemption; specifying that the exemption does not preclude the release of aggregate information; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 420.6231, Florida Statutes, is created to read:

420.6231 Individual identifying information in specified homelessness surveys and databases; public records exemption.—

(1) As used in this section, the term "individual identifying information" means information that directly or indirectly identifies a specific person, can be manipulated to identify a specific person, or can be linked with other available information to identify a specific person.

(2) Individual identifying information of a person contained in a Point-in-Time Count and Survey or data in a Homeless Management Information System collected pursuant to 42 U.S.C. chapter 119, subchapter IV, and related regulations

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provided in 24 C.F.R. part 91, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to individual identifying information held before, on, or after the effective date of this section.

(3) This section does not preclude the release of aggregate information in a Point-in-Time Count and Survey or data in a Homeless Management Information System that does not disclose individual identifying information of a person.

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that individual identifying information of a person contained in a Point-in-Time Count and Survey or data in a Homeless Management Information System collected pursuant to 42 U.S.C. chapter 119, subchapter IV, and related regulations provided in 24 C.F.R. part 91, be made exempt from public records requirements. Pursuant to 42 U.S.C. s. 11363, the United States Secretary of Housing and Urban Development is required to instruct service providers that they are prohibited from disclosing individual identifying information about any client for purposes of the Homeless Management Information System, which includes information in a Point-in-Time Count and Survey. The public release of such sensitive information could lead to discrimination against or ridicule of such individuals and could make them reluctant to seek assistance for themselves or their family members. The public release of such information may put affected individuals at greater risk of injury as a significant

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59 proportion of such individuals are survivors of domestic
60 violence or suffer from mental illness or substance abuse.
61 Additionally, public access to such information may put affected
62 individuals at a heightened risk for fraud and identity theft.
63 The harm from disclosing such information outweighs any public
64 benefit that can be derived from widespread and unfettered
65 access to such information. This exemption is narrowly drawn so
66 that aggregate information may be disclosed but does not
67 authorize the disclosure of individual identifying information
68 of a person contained in a Point-in-Time Count and Survey or
69 data in a Homeless Management Information System collected
70 pursuant to 42 U.S.C. chapter 119, subchapter IV, and related
71 regulations provided in 24 C.F.R. part 91.

72 Section 3. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 1044

INTRODUCER: Senators Garcia and Campbell

SUBJECT: Child Welfare

DATE: March 10, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Pre-meeting
2.			JU	
3.			AP	

I. Summary:

SB 1044 makes a number of revisions to current law to improve the care of children in the child welfare system. Most of these changes are recommended by the Governor or the Department of Children and Families (DCF or the department) and seek to better ensure child safety.

Specifically, the bill:

- Requires the state to identify the father earlier in the legal process to allow for more placement options and family involvement for a child removed by the department.
- Allows the department to return an abused or neglected child to his or her home with an in-home safety plan when the conditions that caused the child to be removed are resolved rather than when the parents have substantially completed their case plan.
- Requires the department to consider the safety of any new children added to the home of a family after a child abuse investigation has begun.
- Requires a parent to be assessed for substance abuse and complete treatment when there is evidence of harm to a child as a result of substance abuse.
- Allows the state to terminate parental rights when a child has been placed in out-of-home care in any jurisdiction three or more times.
- Makes additional changes such as prohibiting payments under the Relative Caregiver Program when the parent is living with the relative along with the child, allowing the release of medical records by hospitals and physicians for child abuse cases, and using child abuse records to screen employees of group homes for foster children.

The bill also requires an assessment to determine the best placement for children removed from their home and allows certain children services councils with taxing authority to satisfy the requirement to be re-approved by the voters with an earlier referendum. The bill limits the use of state funds for administrative employee salaries of the state's privatized child welfare agencies, known as community-based care agencies, to the salary of the secretary of the department.

The bill will have an insignificant fiscal impact on the state and has an effective date of July 1, 2017.

II. Present Situation:

Paternity in Dependency Cases

Although the term legal father is not defined in the Florida Statutes, current law provides that a father is the parent of a child if:

- The child was conceived or born while the father was married to the mother;
- The father has legally adopted the child;
- The father's identity has been determined by the court
- The father has signed an affidavit of paternity or he is listed on the child's birth certificate; or
- The father is the unmarried biological father who has acknowledged in writing that he is the father of the child and has complied with other requirements set forth in s. 63.062(2), F.S.¹

The legal father is a party to the case in a dependency proceeding² and current law makes multiple references to the necessity of having both parents involved in the dependency process including, but not limited, to:

- Both parents must be advised of their right to counsel at each stage of the dependency proceeding;³
- The department must obtain the names of all parents and prospective parents when they take custody of a child;⁴
- All parents are provided written notice of their right to counsel and right to be heard and present evidence at the shelter hearing;⁵
- All parents are notified of every proceeding or hearing involving the child;⁶
- The court makes its own inquiry to discover the parent's identity when a dependency petition is filed and the identity of a parent is unknown;⁷ and
- The department conducts a diligent search to determine the parent's location when the identity of a parent is known, but his or her whereabouts are unknown.⁸

Therefore, determining the identity of a child's father as early in the process as possible is essential in a dependency proceeding.

Conditions for Return and Predisposition Studies

The Legislature finds that time is of the essence for establishing permanency for a child in the dependency system⁹ and reunification of a child with his or her parent or legal guardian is the

¹ See also ss. 39.01(49), 63.032(12), and 985.03(38) F.S.

² Section 39.01(51), F.S.

³ Section 39.013(9), F.S.

⁴ Section 39.401(4), F.S.

⁵ Section 39.402(5), F.S.

⁶ Section 39.502.(1), F.S.

⁷ Section 39.503(1), F.S.

⁸ Section 39.503(5), F.S.

⁹ Section 39.0136, F.S.

first preference of the available permanency goals.¹⁰ When safe to do so, reunification should occur as timely as possible to help promote, foster and maintain child-parent attachments. Currently, the determinant for the court to address reunification with a parent and a child's return home is a parent's substantial compliance with his or her case plan. Experience has shown that parents can complete case plans, essentially accomplishing all of the court-ordered tasks and activities, without the home being a safer place for the child.¹¹

The DCF has determined that a more reliable and time sensitive standard for determining when a child can safely return home encompasses DCF demonstrating to the court that the conditions that existed in the home which necessitated the child's placement out of home have changed and that an in-home safety plan will enable a better response to any danger or risks in the home.

Conditions for return are the specific circumstances that must change prior to the child's return home when there is an out-of-home safety plan in response to impending danger. The conditions for return describe what must exist or be different with respect to specific family circumstances, home environment, caregiver perception, behavior, capacity and/or safety service resources that would allow for reunification to occur with the use of an in-home safety plan.¹²

Current practice also replaces substantial compliance with the case plan as the determining factors in a child's return home at disposition and other subsequent court hearings with conditions for return and an in-depth review of the in-home safety plan. Current practice also replaces the predisposition study used to provide the court with family functioning assessment, which focuses more narrowly and specifically on danger threats and information related to the determination of child safety.¹³

Children in Households with Active Investigation or Ongoing Services

The department's current policy related to a child who is born into or a child who has moved into a household with an active investigation or ongoing services requires the CPI or case manager to add the child to the child welfare case as a participant in Florida Safe Families Network (FSFN)¹⁴ and assess the new child as part of the family functioning assessment.

Substance Exposed Newborn Protection

Abuse of drugs or alcohol by parents and other caregivers can have negative effects on the health, safety, and well-being of children either through the harm caused by prenatal drug exposure or the harm caused to children of any age by exposure to drug activity in their homes or environment. The Child Abuse Prevention and Treatment Act (CAPTA) requires states to have policies and procedures in place to notify child protective services agencies of substance-exposed

¹⁰ Section 39.621(1) and (2), F.S.

¹¹ Department of Children and Families, 2017 Agency Legislative Bill Analysis, Preliminary analysis for Bill #3, Received from the department December 2, 2017.

¹² Department of Children and Families Operating Procedures. CFOP 170-7, Chapter 9 Conditions for Return, June 14, 2016.

¹³ Department of Children and Families Operating Procedures. CFOP 170-5, Chapter 4 Investigation Types and Use of the Family Functioning Assessment, April 4, 2016.

¹⁴ FSFN is Florida's Statewide Automated Child Welfare Information System (SACWIS) and serves as the official child welfare case record.

newborns and to establish a plan of safe care for newborns identified as being affected by substance abuse or having withdrawal symptoms resulting from prenatal drug exposure.¹⁵

CAPTA was further amended in 2016 by the Comprehensive Addiction and Recovery Act (CARA)¹⁶ to add requirements for states to ensure the safety and well-being of infants following the release from the care of healthcare providers, by:

- Addressing the health and substance use disorder treatment needs of the infant and affected family members or caregivers;
- Monitoring these plans to determine whether and how local entities are making referrals and delivering appropriate services to the infant and affected family or caregiver in accordance with state requirements; and
- Developing plans of safe care for infants affected by all substance abuse, not just illegal substance abuse, as was the requirement prior to this change.

Florida law includes exposure to controlled substances or alcohol in the definition of harm:

- Exposes a child to a controlled substance or alcohol. Exposure to a controlled substance or alcohol is established by:
 - A test, administered at birth, which indicated that the child's blood, urine, or meconium contained any amount of alcohol or a controlled substance or metabolites of such substances, the presence of which was not the result of medical treatment administered to the mother or the newborn infant; or
 - Evidence of extensive, abusive, and chronic use of a controlled substance or alcohol by a parent when the child is demonstrably adversely affected by such usage.¹⁷

There is currently no requirement that the parents of substance exposed newborns undergo an assessment or evaluation or complete treatment for substance abuse. The courts presently have the sole discretion to determine whether a parent is required to undergo such treatment.

Termination of Parental Rights

Out-of-Home Care

Grounds for termination of parental rights may be established under a number of circumstances including when on three or more occasions the child or another child of the parent or parents has been placed in out-of-home care under ch. 39, Florida Statutes, and the conditions that resulted in the out-of-home placement were caused by the parent or parents.¹⁸ However, a prior placement of a child in out-of-home care in a state other than Florida cannot serve as a basis for the termination of parental rights.

Single Parent Termination

¹⁵ 42 U.S.C. s.5106a(b), as amended by the CAPTA Reauthorization Act of 2010 (P.L. 111-320).

¹⁶ P.L. 114-198.

¹⁷ Section 39.01(30)(g), F.S. As used in this paragraph, the term "controlled substance" means prescription drugs not prescribed for the parent or not administered as prescribed and controlled substances as outlined in Schedule I or Schedule II of s. 893.03.

¹⁸ Section 39.806(1)(l), F.S.

Termination of parental rights of one parent without terminating the rights of the other parent is permitted only under certain circumstances:

- If the child has only one surviving parent;
- If the identity of a prospective parent has been established as unknown after sworn testimony;
- If the parent whose rights are being terminated is a parent through a single-parent adoption;
- If the protection of the child demands termination of the rights of a single parent; or
- If the parent whose rights are being terminated meets any of the criteria specified in s. 39.806(1)(d) and (f)-(m).¹⁹

There are two grounds for termination of parental rights in s. 39.806, F.S., that are not included in the list of grounds allowable for single parent terminations:

- When the parent or parents engaged in conduct toward the child or toward other children that demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life, safety, well-being, or physical, mental, or emotional health of the child irrespective of the provision of services. Provision of services may be evidenced by proof that services were provided through a previous plan or offered as a case plan from a child welfare agency;²⁰ and
- When the parent is convicted of an offense that requires the parent to register as a sexual predator under s. 775.21.²¹

Supplemental Adjudication of Dependency

In 2008, the legislature amended s. 39.507, F.S., relating to adjudicatory hearings to provide:

(7)(a) For as long as a court maintains jurisdiction over a dependency case, only one order adjudicating each child in the case dependent shall be entered. This order establishes the legal status of the child for purposes of proceedings under this chapter and may be based on the conduct of one parent, both parents, or a legal custodian.

(b) However, the court must determine whether each parent or legal custodian identified in the case abused, abandoned, or neglected the child in a subsequent evidentiary hearing. If the evidentiary hearing is conducted subsequent to the adjudication of the child, the court shall supplement the adjudicatory order, disposition order, and the case plan, as necessary. With the exception of proceedings pursuant to s. 39.811, the child's dependency status may not be retried or readjudicated.²²

This change in the law was in response to concerns raised by the department that while ch. 39, F.S., contemplates that an adjudication of dependency is determined with reference to what happens to a child, not with reference to the conduct of the adult caregiver, when a court finds that a child is adjudicated "as to" a particular parent, the court sometimes requires that the child be adjudicated twice before permanent placement can be made or before parental rights can be

¹⁹ Section 39.811(6), F.S.

²⁰ Section 39.806(1)(c), F.S.

²¹ Section 39.806(1)(n), F.S.

²² Chapter 208-245, Laws of Florida.

terminated. As well, in some cases, courts approve multiple and inconsistent case plans for a single child. The confusion causes unnecessary delays in placement and permanency.

Currently, the change to s. 39.507, F.S., is not being applied uniformly across the state because of a conflict between orders from the 3d DCA and the 5th DCA.²³ As a result of the holding in *P.S. v. Department of Children and Families*, 4 So. 3d 719 (Fla. 5th DCA 2009), trial courts in Orange, Osceola, Volusia, Flagler, Putnam, St. Johns, Lake, Marion, Sumter, Citrus, Hernando, Brevard, and Seminole Counties cannot adjudicate a child dependent as to a parent located later in the case or order that parent to comply with case plan tasks unless there is evidence that the later-found parent actually harmed the child, even when there is evidence the parent's behavior puts the child at risk of harm.²⁴

Domestic Violence Injunction in Dependency

Current law requires that a CPI implement separate safety plans for the perpetrator of domestic violence and the parent who is a victim of domestic violence as defined in s.741.28, F.S. If the perpetrator of domestic violence is not the parent, guardian, or legal custodian of the child, the CPI shall seek issuance of an injunction authorized by s. 39.504, F.S., to implement a safety plan for the perpetrator and impose any other conditions to protect the child.²⁵ The law does not address action to be taken by the CPI if the perpetrator is not able to be located.

Parental Relocation With a Child

Current law requires that a parent who wishes to move with a child from the principal residence at its location at the time of the last order establishing or modifying time-sharing, or at the time of filing the pending action to establish or modify time-sharing must do so by agreement or by filing a petition with the court. The change of location must be at least 50 miles from that residence, and for at least 60 consecutive days not including a temporary absence from the principal residence for purposes of vacation, education, or the provision of health care for the child.²⁶ These provisions would appear to involve only children who are subject to time-sharing arrangements with caregivers.

Nonetheless, by defining the term “child” as any person who is under the jurisdiction of a state court pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) or is the subject of any order granting to a parent or other person any right to time-sharing, residential care, kinship, or custody, as provided under state law, appears to include a child involved in multiple types of custody proceedings including those relating to children who are dependent:

- “Child custody proceeding” means a proceeding in which legal custody, physical custody, residential care, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may

²³ See *D.A. v. Department of Children & Family Services.*, 84 So. 3d 1136 (Fla. 3d DCA 2012), and *P.S. v. Department of Children and Families*, 4 So. 3d 719 (Fla. 5th DCA 2009).

²⁴ Department of Children and Families, 2017 Agency Legislative Bill Analysis, Preliminary analysis for Bill #3, Received from the department December 2, 2017.

²⁵ Section 39.301(9)(a)6.a., F.S.

²⁶ Section 39.13001, F.S.

appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under ss. 61.524-61.540, F.S.²⁷

In 2015, the Fourth District Court of appeal held that the provisions of s. 61.13001, F.S., apply to permanent guardianship placements for a dependent child.²⁸ The department filed a motion for rehearing and sought Florida Supreme Court review of the *T.B.* decision to no avail.²⁹

Confidential Information Sharing

Federal law requires children age 14 years and older to participate in the development of or revision to his or her case plan and requires the case plan to include a document describing the rights of the child to education, health, visitation and court participation as well as the right to stay safe and avoid exploitation.³⁰ The new federal language does not provide protections for confidential information that might be shared at a case planning conference and there are currently no statutory safeguards in Florida law related to the confidentiality of information shared at a case planning conference.

Relative Caregiver Ineligibility

A substantial amount of research acknowledges that children in the care of relatives, or what is often referred to as “kinship care,” are less likely to change placements and benefit from increased placement stability, as compared to children placed in general foster care. Most child welfare systems strive to place children in stable conditions without multiple living arrangement changes because it has consistently demonstrated a better result for all children living in out-of-home care. As opposed to children living in foster care, children living in kinship care are more likely to remain in their own neighborhoods, be placed with their siblings, and have more consistent interactions with their birth parents than do children who are placed in foster care, all of which might contribute to less disruptive transitions into out-of-home care.³¹

Florida recognized the importance of relative placements by creating the Relative Caregiver Program in 1998 to provide financial assistance to eligible relatives caring for children who would otherwise be in the foster care system.³² In 2014 the program was expanded to include specified nonrelative caregivers.³³

According to the department, as of December 31, 2016, Florida had 13,056 children in kinship foster care placements, and 12,478 in licensed foster care placements.³⁴

²⁷ Section 39.503, F.S.

²⁸ Section 39.6221, F.S.

²⁹ See *T.B. v. Department of Children & Families*, 189 So. 3d 150 (Fla. 4th DCA 2015)

³⁰ P.L. 113-183.

³¹ David Rubin and Kevin Downes, et al., *The Impact of Kinship Care on Behavioral Well-being for Children in Out-of-Home Care* (June 2, 2008), available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2654276/>, (last visited February 8, 2017).

³² Section 39.5085, F.S.

³³ Chapter 2014-224, Laws of Florida.

³⁴ Florida Department of Children and Families, DCF Quick Facts, available at: <http://www.dcf.state.fl.us/general-information/quick-facts/cw/> (last visited February 8, 2017).

Children receiving cash benefits under the Relative Caregiver Program are not eligible to simultaneously receive WAGES cash benefits under chapter 414.³⁵ Department rule provides that the parent's presence in the home with the child and relative caregiver for 30 days or more results in the child becoming ineligible for Relative Caregiver Program funds.³⁶ Currently, s. 39.5085, F.S., is silent on the issue of parents and stepparents living in the home with the child and relative caregiver, and this has resulted in cases where the courts have ordered the department to pay Relative Caregiver Program funds contrary to federal law.

Medical Records

Currently, both chapter 395, relating to hospital licensing and regulation, and chapter 456, relating to health professions and occupations, contain provisions related to the release of patient records.

- Section 395.3025 provides that patient records are confidential and must not be disclosed without the consent of the patient or his or her legal representative, but appropriate disclosure may be made without such consent to certain specified entities including the department or its agent, for the purpose of investigations of cases of abuse, neglect, or exploitation of children or vulnerable adults. Law enables the department and its agents to access medical records for children in care without the patient's written authorization.

However, physician office practices not licensed under Chapter 395 have no authority to release patient records to the department without the patient's written authorization.³⁷ Such records are important to the investigation of child abuse and neglect.

Background Screening for Group Home Personnel

Current law requires all caregivers in residential group homes to meet the same education, training, and background and other screening requirements as foster parents.³⁸ Department rule requires foster parents to be screened through the central abuse hotline.³⁹ However, current law also provides that information in the central abuse hotline may not be used for employment screening, except as provided in s. 39.202(2)(a) and (h) or s. 402.302(15), F.S.⁴⁰ Residential child caring agencies are not listed in the exceptions and abuse hotline checks completed on residential group care personnel are not used for employee screenings.

Children's Services Councils (CSC)

In 1986, the Legislature authorized Florida counties to create by ordinance special, countywide districts for the sole purpose of funding children's services. Counties may create:⁴¹

³⁵ Sections 414.045(1)(b)3. and 414.095(2)(a)5., F.S.

³⁶ Chapter 65C-28.008(2)(d), F.A.C.

³⁷ Section 456.057, F.S.

³⁸ Section 409.145(2)(e), F.S.

³⁹ Chapter 65C-13.023(2) and (8), F.A.C.

⁴⁰ Section 39.201(6), F.S.

⁴¹ Chapter 86-197, L.O.F.

- Independent special districts, for which the county governing body must seek voter approval to levy annual ad valorem property taxes;⁴² or
- Dependent special districts, which are supported by appropriation and are authorized to accept grants and donations from public and private sources.⁴³

CSCs are authorized to exercise the following powers and functions:

- Provide preventive, developmental, treatment, rehabilitative, and other services for children;
- Provide funds to other agencies that operate for the benefit of children, with the exception of the public school system;
- Collect data and conduct research to determine the needs of the children in the county;
- Coordinate with providers of children's services to prevent duplication of services; and
- Lease or buy necessary real estate, equipment and personal property.⁴⁴
- The governing body of the county shall submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate in the general election according to the following schedule:
 - For a district in existence on July 1, 2010, and serving a county with a population of 400,000 or fewer persons as of that date.....2014.
 - For a district in existence on July 1, 2010, and serving a county with a population of 2 million or more persons as of that date.....2020.⁴⁵

The Children's Trust of Miami is the only such council in a county with a population of 2 million or more. The trust was created in 2002 and was renewed by referendum in 2008.⁴⁶

Placement Assessment

Research shows an association between frequent placement disruptions and outcomes that are adverse to the child, including poor academic performance and social or emotional adjustment difficulties such as aggression, withdrawal, and poor social interaction with peers and teachers. Despite this evidence, there has been limited intervention by child welfare systems to reduce placement instability as a mechanism for improving outcomes for children.⁴⁷ Mismatching placements to children's needs has been identified as a factor that negatively impacts placement stability. Identifying the right placement requires effective assessment.⁴⁸

When a child is unable to safely remain at home with a parent, the most appropriate available out-of-home placement shall be chosen after analyzing the child's age, gender, sibling status, special physical, educational, emotional and developmental needs, alleged type of abuse, neglect

⁴² Section 125.901(1), F.S.

⁴³ Section 125.901(7), F.S.

⁴⁴ Section 125.901(2), F.S.

⁴⁵ Section 125.901(4), F.S.

⁴⁶ The Children's Trust of Miami-Dade County, available at: <https://www.thechildrenstrust.org/about> (last visited March 7, 2017).

⁴⁷ Noonan, K. and Rubin, D., et al. *Securing Child Safety, Well-being, and Permanency Through Placement Stability in Foster Care*, The Children's Hospital of Philadelphia Research Institute, Fall 2009.

⁴⁸ Teija Sudol, *Placement Stability Information Packet*, National Resource Center for Permanency and Family Connections, December 2009.

or abandonment, community ties and school placement, and potential responsible caregivers that can meet the child's needs.⁴⁹

Lead agencies must consider placement in residential group care if the child is 11 or older, has been in licensed family foster care for six months or longer and removed from family foster care more than once, and has serious behavioral problems or has been determined to be without the options of either family reunification or adoption. In addition, the assessment must consider information from several sources, including psychological evaluations, professionals with knowledge of the child, and the desires of the child concerning placement. If the lead agency case managers determine that residential group care would be an appropriate placement, the child must be placed in residential group care if a bed is available.⁵⁰ Children who do not meet the specified criteria may be placed in residential group care if it is determined that such placement is the most appropriate for the child.⁵¹

These placement requirements were enacted in 2001 and 2002 to allow increased use of residential group home placements until additional foster homes could be recruited.⁵² However, while the 2001 and 2002 legislation was being considered by the Legislature, the department expressed concerns that the provisions of the proposed legislation were contrary to published literature, contrary to guidance from the federal government, and contrary to the actions of other states that were moving away from group home care.⁵³

Lead Agency Executive Compensation

The Internal Revenue Code section that sets the rules governing compensation at public nonprofits, including those known as 501(c)3 organizations, specifies that no part of the net earnings of a section 501(c)3 organization may inure to the benefit of any private shareholder or individual.⁵⁴ However, it also gives each nonprofit's board of directors latitude in determining how much to pay top employees. The IRS does require that the nonprofit's board have an objective process for setting executive salaries, including use of comparisons with salaries paid by similar organizations for similar services. Without a reasonable basis, a nonprofit that normally pays no taxes could be taxed for paying excess benefits to an insider.⁵⁵

There is disagreement within the nonprofit community around the often heard argument that individuals need to be highly paid to remain and provide leadership in the nonprofit sector. There appears to be an increasing number of exceptions to that belief:

- There are great nonprofit CEO's and bad ones at both ends of the salary spectrum, and many ineffective leaders have been paid well. So it's not a given that we will "lose out" on talented leaders if we don't pay them excessive salaries. It's also not a given that we need to be able

⁴⁹ Rule 65C-28.004, F.A.C

⁵⁰ Sections 39.523(1) and 409.1676, F.S.

⁵¹ Section 39.523(4), F.S.

⁵² Sections. 39.523, 409.1676, 409.1677 and 409.1679, F.S.

⁵³ Testimony from committee meetings: Senate Children and Families Committee, SB 623, January 30, 2002; Senate Children and Families Committee, SB 1214, March 14, 2001; House Child and Family Security Committee, HB 1145, March 15, 2001; House Child and Family Security Committee, HB 755, February 7, 2002.

⁵⁴ 26 U.S.C. s.501. Exemption from tax on corporations, certain trusts, etc.

⁵⁵ *Id.*

to attract talent from the business world or from outside of our organizations. We should really be developing the amazingly talented people we already have within our organizations, who are passionate about the work even if it doesn't come with a million-dollar salary.⁵⁶

- Bruce Hurwitz, president and CEO of Hurwitz Strategic Staffing, has stated that while some nonprofits are forced to offer competitive salaries to top executives in order to attract and retain the best leaders out there, not all nonprofits have to shell out big bucks to attract big talent. Especially those funded almost totally by taxpayer dollars. One such organization was Aging in America. "Aging in America is a government subcontractor. The government provides 96.3 percent of all revenue," Hurwitz says. And, if "the government is paying the lion's share of expenses, then salaries should be 'governmental'."⁵⁷

In general, the federal government imposes a limit of \$196,000 on how much of a nonprofit executive's salary can be paid with federal funds. A nonprofit can easily get around the standard by reporting that private funds are used to pay the portion of salary which exceeds the limit.⁵⁸ Some states have taken steps to impose similar caps.

A provision in New Jersey's budget includes a limit on what nonprofit groups can pay their chief executives if they are providing social services under state contracts.⁵⁹ Beginning July 1, 2010, the state capped the salaries of executives with any nonprofit social service agency with a budget over \$20 million at \$141,000. Executive directors of nonprofit groups who oversee budgets between \$10 million and \$20 million could receive no more than \$126,900 in state compensation. Those overseeing a budget between \$5 million and \$10 million would get \$119,850 a year from the state, and those with a budget less than \$5 million would get \$105,750 in salary from the state.

In Florida each community-based care lead agency is required to post on its website the current budget for the lead agency, including the salaries, bonuses, and other compensation paid, by position, for the agency's chief executive officer, chief financial officer, and chief operating officer, or their equivalents.⁶⁰

The following chart details executive compensation for each community-based care lead agency and allows for a comparison of chief executive officer salaries, the number of children receiving

⁵⁶ Thurman, R. (2010). *Nonprofit CEOs Who Want For-Profit Salaries Should Work at For-Profit Companies*. The Chronicle of Philanthropy. available at: <http://philanthropy.com/blogs/leading-edge/nonprofit-ceos-who-want-for-profit-salaries-should-work-at-for-profit-companies/21792>. (last visited January 26, 2017).

⁵⁷ Parkes, G. August 16, 2010. *High CEO Salaries Raise More Than Eyebrows*, available at: <http://jobs.aol.com/articles/2010/08/16/ceo-salaries/> (last visited January 26, 2017).

⁵⁸ Accountable California: The Center for Public Accountability. Executives at Publicly-Funded Nonprofits Make Big Bucks Serving the Needy. March 16, 2011, available from: <http://www.seiu721.org/2009/10/executives-at-publicly-funded-nonprofits.php> (last visited January 26, 2017).

⁵⁹ Livio, S.K. April 25, 2010. *N.J. Governor Chris Christie aims to cap salaries of nonprofit group executives to \$141K*. available from: http://www.nj.com/news/index.ssf/2010/04/nj_gov_chris_christie_aims_to.html (last visited January 26, 2017). Also see Strom, S. July 26, 2010. *Lawmakers Seeking Cuts Look at Nonprofit Salaries*, available from: <http://www.nytimes.com/2010/07/27/us/27nonprofit.html?pagewanted=all> (last visited January 26, 2017).

⁶⁰ Section 409.988(1)(d), F.S.

both in-home and out-of-home services, and the agency annual contract amount. There does not appear to be a correlation between executive compensation and these other factors.⁶¹

CBC Lead Agency	Chief Executive Officer Annual Compensation From CBC Contract	# of Children Receiving Services	Annual Contract Amount (Millions)	% of Budget from Public Funds
Lakeview Center – Families First Network	\$199,784	2,087	\$46.5	NA
Big Bend Community-Based Care ⁶²	\$367,380	1,180	\$35.3	99.08
Partnership for Strong Families	\$145,000	1,321	\$33.8	99.67
Family Support Services of North Florida	\$200,155	1,578	\$56	99.64
Community Partnership for Children	\$150,822	1,670	\$34.5	100.00
St. Johns County Commission	\$82,000	279	\$5.7	NA
Kids First of Florida	\$108,00	386	\$8.7	99.99
Sarasota Family YMCA	\$148,484	1,490	\$29.3	NA
Eckerd Community Alternative Pinellas/ Pasco	\$164,243	2,650	\$67.4	NA
Eckerd Community Alternatives Hillsborough	\$176,436	3,762	\$73.6	NA
Children's Network of SW Florida	\$177,654	2,391	\$40	99.99
Brevard Family Partnership	\$195,297	1,135	\$23.4	98.84
CBC of Central Florida	\$243,386	2,742	\$70	99.96

⁶¹ Annual contract amounts, # of FTE's and # of children receiving services is reported by the department; compensation amounts is from either the agency website or the IRS 990.

⁶² Big Bend Community Based Care serves as both the CBC lead agency and as the Managing Entity (ME) The CEO receives income from both state contracts for a total of \$474,123.

Kids Central	\$206,794	2,311	\$48.5	99.99
Heartland for Children	\$155,000	1,910	\$43.6	100.00
Devereux Community Based Care	\$131,211	1,011	\$28.6	NA
ChildNet Palm Beach and Broward	\$227,894	5,904	\$44.4 (PB) \$72.3 (B)	100.00
Our Kids of Miami Dade	\$207,489	3,056	\$104.2	100.00

In 2015, during an operational audit of community-based care lead agencies, the Auditor General found instances where salary payments, including bonuses, selected perquisites, and severance pay, or leave balances did not appear to be properly supported or calculated in accordance with established CBC policy or state law.⁶³

State law specifies that no extra compensation shall be made to any officer, agent, employee, or contractor after the service has been rendered or the contract made. The audit discovered salary payments made with department-provided funds included a \$15,000 bonus awarded to the CEO of Big Bend Community Based Care in December 2012 that was not supported by a provision in the CEO's employment contract. In response to the audit inquiry, lead agency management indicated that bonuses awarded at the discretion of the Board were based on market standards and performance.

However, as the CEO's employment contract did not provide for the payment of bonuses, the \$15,000 bonus payment was extra compensation prohibited by state law. Our audit procedures also found that the lead agency had not established policies and procedures regarding the award and calculation of bonuses for staff.⁶⁴

III. Effect of Proposed Changes:

Section 1 amends s. 39.01, F.S., to create a definition for the term "legal father" and amend the definition of the term "parent."

Section 2 amends s. 39.201, F.S., relating to mandatory reporting and the child abuse hotline, to allow the use of information in the central abuse hotline for employment screening for caregivers employed by residential group homes.

Section 3 amends s. 39.301, F.S., relating to protective investigations, to require a child protective investigator implement a safety plan for a perpetrator of domestic violence only if the investigator is able to locate the perpetrator. It also clarifies when a CPI shall seek an injunction pursuant to s. 39.504, F.S. The bill also requires that when a child is born into or moves into a

⁶³ Florida Auditor General, *Department Of Children and Families and Selected Community-Based Care Lead Agencies Oversight of Foster Care and Related Service*. Report No. 2015-156, March 2015.

⁶⁴ *Id.*

home that is under a protective investigation, that the child be added to the investigation and assessed for child safety.

Section 4 amends s. 39.302, F.S., relating to protective investigations of institutional child abuse, abandonment or neglect, to provide that if an individual employed as a caregiver in a residential group home is named in any capacity in three or more reports to the child abuse hotline within a 5-year period, those reports may be reviewed for employment screening.

Section 5 amends s. 30.402, F.S., relating to placement in a shelter, to require additional inquiry by the court at a shelter hearing to identify and locate the legal father of the child and provide requirements for the inquiry.

Section 6 amends s. 39.503, F.S., relating to cases where the identity or location of a parent is unknown when a dependency petition is filed, to require additional inquiry under oath by the court to identify and locate the legal father of the child. The bill also requires that the required diligent search must include a search of the Florida Putative Father Registry.

Section 7 amends s. 39.504, F.S., relating to injunctions, to require the same judge to hear both the dependency proceeding and the injunction proceeding when applicable. The bill also provides that if an alleged offender cannot be located after a diligent search, the court may enter an injunction based on the sworn petition and any affidavits.

Section 8 amends s. 39.507, F.S., relating to adjudicatory hearings and orders of adjudication, to provide that actual harm or abuse by the second parent is not required to be proven in order for the court to make findings related to the conduct of the second parent. The court is also not required to conduct an evidentiary hearing for the second parent in order to supplement an order or case plan if certain conditions are met.

Section 9 amends s. 39.5085, F.S., related to the Relative Caregiver Program, to prohibit a relative or non-relative caregiver from receiving a payment under the program if the parent or stepparent of the child resides in the home. The caregiver may receive a payment under the program however, if a minor child as well as the minor parent's child are living in the home and both have been adjudicated dependent. The proposed changes will align s. 39.5085, F.S., with s. 414.095 F.S., and federal law.

Section 10 amends s. 39.521, F.S., to replace the requirement for a predisposition study with a requirement for a family functioning assessment and revise the timelines for providing a copy of the case plan to the parties. The bill also requires that when a child is adjudicated dependent based upon evidence of harm related to exposure of a child to a controlled substance or alcohol, the parent is required to undergo a substance abuse disorder assessment or evaluation and comply with treatment and services that are determined to be necessary.

The bill also specifies the information that must be provided to the court in the family functioning assessment and changes the standard for returning a child home from "parent having substantially complied with the case plan" to "circumstances that caused the out-of-home placement and issues subsequently identified have been remedied."

Section 11 amends s. 39.522, F.S., relating to postdisposition change of custody, to change the standard for returning a child home from “parent having substantially complied with the case plan” to “circumstances that caused the out-of-home placement and issues subsequently identified have been remedied.”

Section 12 amends s. 39.523, F.S., relating to placement in out-of-home care, to require an initial placement assessment whenever a child has been determined to need an out-of-home placement, and to establish timelines for that assessment. The bill requires the DCF to document these initial assessments in FSFN. The bill also requires the involvement of permanency teams in assessment and placement decisions, and requires an annual report relating to the placement of children and specifies what is to be included in the report.

Section 13 amends s. 39.6011, F.S., relating to case plan development, to provide that DCF may discuss confidential information during a case planning conference and that all individuals who participate in that conference are required to maintain the confidentiality of shared information.

Section 14 amends s. 39.6012, F.S., relating to case plan tasks and services, to require that whenever there is evidence of harm related to exposure of a child to a controlled substance or alcohol, the case plan must include a required task that the parent undergo a substance abuse disorder assessment or evaluation and comply with treatment and services that are determined to be necessary.

Section 15 amends s. 39.6221, F.S., to provide that the requirements of s. 61.13001, F.S., relating to parental relocation, do not apply to permanent guardianships established under chapter 39.

Section 16 amends s. 39.701, F.S., relating to judicial review, to provide that when a child is born into or moves into a home that is under court jurisdiction, that the child be assessed for child safety and notice be provided to the court. The bill also provides a timeline for both the safety assessment and a progress update that are to be filed with the court and provides the department with rulemaking authority to implement the subsection.

Section 17 amends s. 39.801, F.S., relating to court procedures, jurisdiction, notice, and service of process, to address notice requirements for a petition of termination of parental rights to a prospective father if there is no legal father.

Section 18 amends s. 39.803, F.S., relating to unknown identity or location of a parent after a termination for parental rights petition has been filed, to require additional information to the inquiry conducted by the court to identify or locate a parent and authorizes the court to order scientific testing to determine maternity or paternity of the child.

Section 19 amends s. 39.806, F.S., relating to termination of parental rights, to allow child removals in other states, territories or jurisdictions to be considered when establishing a ground for termination of parental rights.

Section 20 amends s. 39.811, F.S., relating to powers and orders of disposition, to include when the parent or parents engaged in conduct toward the child or toward other children that

demonstrates that the continuing involvement of the parent or parents in the parent-child relationship threatens the life, safety, well-being, or physical, mental, or emotional health of the child irrespective of the provision of services and when the parent is convicted of an offense that requires the parent to register as a sexual predator under s. 775.21, F.S., to the list of circumstances under which the rights of one parent may be terminated without terminating the rights of the other parent.

Section 21 amends s. 125.901, F.S., relating to children's services councils, to provide an exception to when a county shall submit the questions of retention or dissolution of a district with voter-approved taxing authority to the general electorate in a general election.

Section 22 amends s. 395.3025, F.S., relating to patient and personnel records, to allow these confidential records to be disclosed to contracted entities of the department without consent of the patient or his or her legal representative. Private physician offices have requested statutory authority to provide such records to CPIs and dependency case managers.

Section 23 amends s. 402.40, relating to child welfare training and certification, to add a definition of the term "child welfare trainer" and provide the department rulemaking authority to determine standards for these trainers to ensure that individuals who train child welfare professionals are qualified to provide effective training. There are currently no standards in place.

Section 24 amends s. 409.992, F.S., relating to community-based care lead agency expenditures, to prohibit administrative employees of lead agencies from using state funds in excess of the salary of the secretary of the department. The current annual salary of the secretary is \$140,539 and 15 of the 18 lead agencies pay their CEO in excess of this amount.

Section 25 amends s. 456.057, F.S., relating to ownership and control of patient records to allow confidential records to be disclosed to the department, its agent or its contracted entity, for the purpose of conducting child protective investigations of or providing services in cases of abuse, neglect or exploitation of children or vulnerable adults.

Section 26 repeals s. 409.141, F.S., relating to equitable reimbursement methodology of group homes, to remove obsolete requirements.

Section 27 repeals s. 409.1677, F.S., relating to model comprehensive residential services programs, to remove obsolete programs.

Section 28 amends s. 39.524, F.S., relating to safe-harbor placement, to conform a cross reference.

Section 29 amends 394.495, F.S., relating to child and adolescent mental health system of care, to conform a cross reference.

Section 30 amends s. 409.1678, F.S., relating to specialized residential options for children who are victims of sexual exploitation, to conform a cross reference.

Section 31 amends s. 960.065, F.S., relating to eligibility for awards, to conform a cross reference.

Section 32 amends s. 409.1679, F.S., relating to reimbursement, to conform cross references.

Section 33 amends s. 1002.3305, F.S., relating to College-Preparatory Boarding Academy Pilot Program for at risk students, to conform a cross reference.

Section 34 reenacts s. 483.181(2), F.S., relating to acceptance, collection, identification, and examination of specimens.

Section 35 provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The CBC lead agencies that pay their administrative employees more than \$140,539 in state funds would have additional funds to provide services to children and families.

C. Government Sector Impact:

The department reports that the increased workload for the Background Screening Unit may require additional contracted staff (sections 2 and 4 of the bill).⁶⁵

The department may incur costs to capture the placement assessment data. The amount is unknown.

⁶⁵ Department of Children and Families, 2017 Agency Legislative Bill Analysis, Preliminary analysis for Bill #3, Received from the department December 2, 2017.

The department reports that the cost of a proficiency process for trainers can be paid by federal title IV-E funds.⁶⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.01, 39.201, 39.301, 39.302, 39.402, 39.503, 39.504, 39.507, 39.5085, 39.521, 39.522, 39.523, 39.524, 39.6011, 39.6012, 39.6221, 39.701, 39.801, 39.803, 39.806, 39.811, 125.901, 394.495, 395.3025, 402.40, 409.1678, 409.1679, 409.992, 456.057, 960.065, and 1002.3305.

This bill reenacts the following section of the Florida Statutes: 483.181(2).

This bill repeals the following sections of the Florida Statutes: 409.141, and 409.1677.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁶⁶ Department of Children and Families, 2017 Agency Legislative Bill Analysis, Preliminary analysis for Bill #6, Received from the department December 2, 2017.



158292

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia)
recommended the following:

Senate Amendment

Delete line 275
and insert:
if the investigator, using reasonable efforts, is able to locate
the perpetrator to



111568

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment

Delete lines 960 - 964

and insert:

(j) (k) Child welfare ~~A Florida Abuse Hotline Information System (FAHIS)~~ history from the Statewide Automated Child Welfare Information System (SACWIS) and criminal records check for all caregivers, family members, and individuals residing within the household from which the child was removed.



268626

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment

Delete lines 971 - 976
and insert:

(m) ~~(n)~~ A listing of appropriate and available safety
management ~~prevention and reunification~~ services for the parent
and child to prevent the removal of the child from the home or
to reunify the child with the parent after removal and an ~~to~~
~~reunify the child with the parent after removal, including the~~
~~availability of family preservation services and an explanation~~



268626

11 | of the following:



312264

LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment

Delete lines 1105 - 1188

and insert:

Section 12. Section 39.523, Florida Statutes, is amended to read:

(Substantial rewording of section. See 39.523, F.S., for present text.)

39.523 Placement in out-of-home care.—The Legislature finds that it is a basic tenet of child welfare practice and the law



312264

11 that children be placed in the least restrictive, most family-
12 like setting available in close proximity to the home of their
13 parents, consistent with the best interests and needs of the
14 child, and that children be placed in permanent homes in a
15 timely manner.

16 (1) When any child is removed from the home and placed into
17 out-of-home care, a comprehensive placement assessment shall be
18 completed to determine whether the child's needs can be met with
19 family members or in a family foster home and, if not, which
20 type of foster care placement setting would provide a more
21 effective and appropriate level of care.

22 (2) The assessment and any placement decision must be done
23 in conjunction with a permanency team that must be established
24 by the department or the community-based care lead agency that
25 places children pursuant to this section and is dedicated to
26 overcoming the permanency challenges occurring for children in
27 out-of-home care. The team must attempt to include a
28 representative from the community-based care lead agency, the
29 caseworker for the child, the out-of-home care provider, the
30 guardian ad litem if one has been appointed, any provider of
31 services to the child, teachers, clergy, relatives, fictive kin,
32 and all appropriate biological family members.

33 (3) The permanency team shall convene a multidisciplinary
34 staffing every 180 calendar days, to coincide with the judicial
35 review, to reassess the appropriateness of the child's current
36 placement. The multidisciplinary staffing shall consider, at a
37 minimum, the current level of the child's functioning, whether
38 recommended services are being provided effectively, any
39 services that would enable transition to a less restrictive



312264

40 family-like setting, and diligent efforts to find other
41 permanent living arrangements for the child.

42 (4) The department shall document initial placement
43 assessments in the Florida Safe Families Network.

44 (5) If it is determined during the comprehensive placement
45 assessment that residential treatment as defined in s. 39.407
46 would be suitable for the child, the procedures in that section
47 must be followed.

48 (6) At each judicial review, the court shall review the
49 assessment placement decision for the child and the department
50 shall demonstrate why the placement is in the least restrictive
51 setting. If the child has been placed in group care with a
52 residential child-caring agency, the department must demonstrate
53 why the child cannot be placed with a relative or nonrelative or
54 in a family foster home, must demonstrate why the placement in
55 group care with a residential child-caring agency continues to
56 be necessary and consistent with the child's short-term and
57 long-term goals, and must document efforts to help the child
58 transition to a more family-like setting.

59 (7) By October 1 of each year, the department shall report
60 to the Governor, the President of the Senate, and the Speaker of
61 the House of Representatives on the placement of children in
62 out-of-home care, including placements with relatives and
63 nonrelatives, family foster homes, and residential group care
64 during the year. At a minimum, the report must include, by
65 community-based care lead agency:

66 (a) The number of children placed with relatives and
67 nonrelatives, in family foster homes, and in residential group
68 care.



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69 (b) An inventory of available services that are necessary
70 to maintain children in the least restrictive settings and a
71 plan for filling any identified gap in those services.

72 (c) The number of children who were placed based upon the
73 assessment.

74 (d) An inventory of existing placements for children by
75 type and by community-based care lead agency.

76 (e) The strategies being used by community-based care lead
77 agencies to recruit, train, and support an adequate number of
78 families to provide home-based family care.

79 (f) For every placement of a child made that is contrary to
80 an appropriate placement as determined by the assessment process
81 in this section, an explanation from the community-based care
82 lead agency as to why the placement was made.

83 (8) The department may adopt rules necessary to carry out
84 the provisions of this section.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment

Delete lines 1459 - 1462
and insert:
not be recognized as a parent until proceedings to establish
maternity or paternity have been concluded. However, the
prospective parent shall continue to receive notice of hearings
as a participant until proceedings to establish maternity or
paternity have been concluded.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 1567 and 1568
insert:
Section 22. Subsection (9) of section 322.051, Florida Statutes,
is amended to read:
322.051 Identification cards.—
(9) (a) Notwithstanding any other provision of this section
or s. 322.21 to the contrary, the department shall issue or
renew a card at no charge to a person who presents evidence



552984

satisfactory to the department that he or she is homeless as defined in s. 414.0252(7), to a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice and receiving services pursuant to s. 985.461, to an inmate receiving a card issued pursuant to s. 944.605(7), or, if necessary, to an inmate receiving a replacement card if the department determines that he or she has a valid state identification card. If the replacement state identification card is scheduled to expire within 6 months, the department may also issue a temporary permit valid for at least 6 months after the release date. The department's mobile issuing units shall process the identification cards for juvenile offenders and inmates at no charge, as provided by s. 944.605 (7)(a) and (b).

(b) If the person who presents evidence that he or she is homeless is a certified unaccompanied or homeless youth as defined in s. 734.067, the back of the card shall exhibit the following:

As a certified unaccompanied or homeless youth, this individual may consent to diagnosis and treatment and any forensic medical examination authorized pursuant to s. 743.067, F.S.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete line 98
and insert:
s. 322.051, F.S., providing requirement for an



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40 identification card for certified unaccompanied or
41 homeless youth; amending s. 395.3025, F.S.; revising
42 requirements for access to



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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 1690 and 1691

insert:

Section 26. Paragraph (f) of subsection (1) of section 1009.25, Florida Statutes, is 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



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institution, or state university:

(f) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. This includes a student who, if it were not for the availability of college or university dormitory housing, would be homeless.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 105

and insert:

requirements for access to patient records; amending
s. 1009.25, F.S.; revising fee exemption requirements
related to homeless students; repealing



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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 1693 and 1694

insert:

Section 28. Section 743.067, Florida Statutes, is amended to read:

743.067 Certified unaccompanied homeless youths.—

(1) For purposes of this section, the term ~~an~~ "certified unaccompanied homeless youth" means a minor who is a homeless child or youth or an unaccompanied youth, as those terms are



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defined in 42 U.S.C. s. 11434a., who has been certified as homeless or unaccompanied by ~~is an individual who is 16 years of age or older and is:~~

(a) A school district homeless liaison;

~~(a) Found by a school district's liaison for homeless children and youths to be an unaccompanied homeless youth eligible for services pursuant to the McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431-11435; or~~

~~(b) Believed to qualify as an unaccompanied homeless youth, as that term is defined in the McKinney-Vento Homeless Assistance Act, by:~~

(b)1. The director of an emergency shelter program funded by the United States Department of Housing and Urban Development, or the director's designee; or

(c)2. The director of a runaway or homeless youth basic center or transitional living program funded by the United States Department of Health and Human Services, or the director's designee.†

~~3. A clinical social worker licensed under chapter 491; or~~

~~4. A circuit court.~~

(2)(a) The Office on Homelessness within the Department of Children and Families shall develop a standardized form that must be used by the entities specified in subsection (1) to certify qualifying unaccompanied homeless youth. The form must include the circumstances that qualify the youth; the date the youth was certified; the name, title, and signature of the certifying individual; and a citation to this section. A minor who qualifies as an unaccompanied homeless youth shall be issued a written certificate documenting his or her status by the



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~~appropriate individual as provided in subsection (1). The certificate shall be issued on the official letterhead stationery of the person making the determination and shall include the date of the finding, a citation to this section, and the signature of the individual making the finding.~~

(b) A certified unaccompanied homeless youth may use the completed form to apply at no charge for an identification card issued by the Department of Highway Safety and Motor Vehicles pursuant to s. 322.051(9).

(c) A health care provider may accept the written certificate or identification card as proof of the minor's status as a certified ~~an~~ unaccompanied homeless youth and may keep a copy of the certificate or identification card in the youth's medical file.

(3) A certified ~~an~~ unaccompanied homeless youth may:

(a) Petition the circuit court to have the disabilities of nonage removed under s. 743.015. The youth shall qualify as a person not required to prepay costs and fees as provided in s. 57.081. The court shall advance the cause on the calendar.

(b) Notwithstanding s. 394.4625(1), consent to medical, dental, psychological, substance abuse, and surgical diagnosis and treatment, including preventative care and care by a facility licensed under chapter 394, chapter 395, or chapter 397 and any forensic medical examination for the purpose of investigating any felony offense under chapter 784, chapter 787, chapter 794, chapter 800, or chapter 827, for:

1. Himself or herself; or

2. His or her child, if the certified unaccompanied homeless youth is unmarried, is the parent of the child, and has



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69 actual custody of the child.

70 (4) This section does not affect the requirements of s.
71 390.01114.

72

73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Between lines 108 and 109

76 insert:

77 amending s. 743.067, F.S.; defining the term
78 "certified unaccompanied homeless youth"; requiring
79 the Office on Homelessness within the Department of
80 Children and Families to develop a standardized form
81 to be used in the certification process; providing
82 information that must be included in the form;
83 authorizing a certified unaccompanied homeless youth
84 to apply at no charge to the Department of Highway
85 Safety and Motor Vehicles for an identification card;
86 conforming terminology;



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LEGISLATIVE ACTION

Senate

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House

The Committee on Children, Families, and Elder Affairs (Garcia)
recommended the following:

Senate Amendment

Delete line 1830
and insert:
Section 35. This act shall take effect January 1, 2018.

By Senator Garcia

36-00590B-17

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1 A bill to be entitled
 2 An act relating to child welfare; amending s. 39.01,
 3 F.S.; defining the term "legal father" and redefining
 4 the term "parent"; amending s. 39.201, F.S.; providing
 5 that central abuse hotline information may be used for
 6 employment screening of residential group home
 7 caregivers; amending s. 39.301, F.S.; requiring a
 8 safety plan to be issued for a perpetrator of domestic
 9 violence only if the perpetrator can be located;
 10 specifying what constitutes reasonable efforts;
 11 requiring that a child new to a family under
 12 investigation be added to the investigation and
 13 assessed for safety; amending s. 39.302, F.S.;
 14 conforming a cross-reference; providing that central
 15 abuse hotline information may be used for certain
 16 employment screenings; amending s. 39.402, F.S.;
 17 requiring a court to inquire as to the identity and
 18 location of a child's legal father at the shelter
 19 hearing; specifying what types of information fall
 20 within the scope of such inquiry; amending s. 39.503,
 21 F.S.; requiring a court to conduct under oath the
 22 inquiry to determine the identity or location of an
 23 unknown parent; requiring a court to seek additional
 24 information relating to a legal father's identity in
 25 such inquiry; requiring the diligent search to
 26 determine a parent's or prospective parent's location
 27 to include a search of the Florida Putative Father
 28 Registry; authorizing the court to order scientific
 29 testing to determine parentage if certain conditions

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30 exist; amending s. 39.504, F.S.; requiring the same
 31 judge to hear a pending dependency proceeding and an
 32 injunction proceeding; providing that the court may
 33 enter an injunction based on specified evidence;
 34 amending s. 39.507, F.S.; requiring a court to
 35 consider maltreatment allegations against a parent in
 36 an evidentiary hearing relating to a dependency
 37 petition; amending s. 39.5085, F.S.; revising
 38 eligibility guidelines for the Relative Caregiver
 39 Program with respect to relative and nonrelative
 40 caregivers; amending s. 39.521, F.S.; providing new
 41 time guidelines for filing with the court and
 42 providing copies of case plans and family functioning
 43 assessments; providing for assessment and program
 44 compliance for a parent who caused harm to a child by
 45 exposing the child to a controlled substance;
 46 providing in-home safety plan requirements; providing
 47 requirements for family functioning assessments;
 48 providing supervision requirements after
 49 reunification; amending s. 39.522, F.S.; providing
 50 conditions for returning a child home with an in-home
 51 safety plan; amending s. 39.523, F.S.; providing
 52 legislative intent; requiring children placed in out-
 53 of-home care to be assessed to determine the most
 54 appropriate placement; requiring the placement
 55 assessments to be documented in the Florida Safe
 56 Families Network; requiring a court to review and
 57 approve placements; requiring the Department of
 58 Children and Families to report annually to the

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59 Governor and the Legislature on the number of children
 60 placed with relatives and the number placed in out-of-
 61 home care; amending s. 39.6011, F.S.; providing
 62 requirements for confidential information in a case
 63 planning conference; providing restrictions; amending
 64 s. 39.6012, F.S.; providing for assessment and program
 65 compliance for a parent who caused harm to a child by
 66 exposing the child to a controlled substance; amending
 67 s. 39.6221, F.S.; providing that relocation
 68 requirements for parents in dissolution proceedings do
 69 not apply to permanent guardianships; amending s.
 70 39.701, F.S.; providing safety assessment requirements
 71 for children coming into a home under court
 72 jurisdiction; granting rulemaking authority; amending
 73 s. 39.801, F.S.; providing an exception to the notice
 74 requirement regarding the advisory hearing for a
 75 petition to terminate parental rights; amending s.
 76 39.803, F.S.; requiring a court to conduct under oath
 77 the inquiry to determine the identity or location of
 78 an unknown parent after the filing of a termination of
 79 parental rights petition; requiring a court to seek
 80 additional information relating to a legal father's
 81 identity in such inquiry; revising minimum
 82 requirements for the diligent search to determine the
 83 location of a parent or prospective parent;
 84 authorizing the court to order scientific testing to
 85 determine parentage if certain conditions exist;
 86 amending s. 39.806, F.S.; revising circumstances under
 87 which grounds for the termination of parental rights

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88 may be established; amending s. 39.811, F.S.; revising
 89 circumstances under which the rights of one parent may
 90 be terminated without terminating the rights of the
 91 other parent; amending s. 125.901, F.S.; creating an
 92 exception to the requirement that, for an independent
 93 special district in existence on a certain date and
 94 serving a population of a specified size, the
 95 governing body of the county submit the question of
 96 the district's retention or dissolution to the
 97 electorate in a specified general election; amending
 98 s. 395.3025, F.S.; revising requirements for access to
 99 patient records; amending s. 402.40, F.S.; defining
 100 the term "child welfare trainer"; providing rulemaking
 101 authority; amending s. 409.992, F.S.; limiting
 102 compensation from state-appropriated funds for
 103 administrative employees of community-based care
 104 agencies; amending s. 456.057, F.S.; revising
 105 requirements for access to patient records; repealing
 106 s. 409.141, F.S., relating to equitable reimbursement
 107 methodology; repealing s. 409.1677, F.S., relating to
 108 model comprehensive residential services programs;
 109 amending ss. 39.524, 394.495, 409.1678, and 960.065,
 110 F.S.; conforming cross-references; amending ss.
 111 409.1679 and 1002.3305, F.S.; conforming provisions to
 112 changes made by the act; reenacting s. 483.181(2),
 113 F.S., relating to acceptance, collection,
 114 identification, and examination of specimens, to
 115 incorporate the amendment made to s. 456.057, F.S., in
 116 a reference thereto; providing an effective date.

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

Section 1. Present subsections (35) through (80) of section 39.01, Florida Statutes, are redesignated as subsections (36) through (81), respectively, a new subsection (35) is added to that section, and subsections (10) and (32) and present subsection (49) of that section are amended, to read:

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

(10) "Caregiver" means the parent, legal custodian, permanent guardian, adult household member, or other person responsible for a child's welfare as defined in subsection (48) ~~(47)~~.

(32) "Institutional child abuse or neglect" means situations of known or suspected child abuse or neglect in which the person allegedly perpetrating the child abuse or neglect is an employee of a private school, public or private day care center, residential home, institution, facility, or agency or any other person at such institution responsible for the child's care as defined in subsection (48) ~~(47)~~.

(35) "Legal father" means a man married to the mother at the time of conception or birth of their child, unless paternity has been otherwise determined by a court of competent jurisdiction. If no man was married to the mother at the time of birth or conception of the child, the term "legal father" means a man named on the birth certificate of the child pursuant to s. 382.013(2), a man determined by a court order to be the father of the child, or a man determined by an administrative

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proceeding to be the father of the child.

~~(50)-(49)~~ "Parent" means a woman who gives birth to a child and a man whose consent to the adoption of the child would be required under s. 63.062(1). "Parent" also means a man married to the mother at the time of conception or birth of their child, unless paternity has been otherwise determined by a court of competent jurisdiction. If no man was married to the mother at the time of birth or conception of the child, the term "legal father" means a man named on the birth certificate of the child pursuant to s. 382.013(2), a man determined by court order to be the father of the child, or a man determined by an administrative proceeding to be the father of the child. If a child has been legally adopted, the term "parent" means the adoptive mother or father of the child. For purposes of this chapter only, when the phrase "parent or legal custodian" is used, it refers to rights or responsibilities of the parent and, only if there is no living parent with intact parental rights, to the rights or responsibilities of the legal custodian who has assumed the role of the parent. The term does not include an individual whose parental relationship to the child has been legally terminated, or an alleged or prospective parent, unless:

(a) The parental status falls within the terms of s. 39.503(1) or s. 63.062(1); or

(b) Parental status is applied for the purpose of determining whether the child has been abandoned.

Section 2. Subsection (6) of section 39.201, Florida Statutes, is amended to read:

39.201 Mandatory reports of child abuse, abandonment, or neglect; mandatory reports of death; central abuse hotline.—

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175 (6) Information in the central abuse hotline may not be
 176 used for employment screening, except as provided in s.
 177 39.202(2)(a) and (h) or s. 402.302(15). Information in the
 178 central abuse hotline and the department's automated abuse
 179 information system may be used by the department, its authorized
 180 agents or contract providers, the Department of Health, or
 181 county agencies as part of the licensure or registration process
 182 pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.
 183 Pursuant to s. 39.202(2)(q), the information in the central
 184 abuse hotline may also be used by the Department of Education
 185 for purposes of educator certification discipline and review.
 186 Additionally, in accordance with s. 409.145(2)(e), the
 187 information in the central abuse hotline may be used for
 188 employment screening for caregivers at residential group homes.
 189 Section 3. Paragraph (a) of subsection (9) of section
 190 39.301, Florida Statutes, is amended, and subsection (23) is
 191 added to that section, to read:
 192 39.301 Initiation of protective investigations.—
 193 (9) (a) For each report received from the central abuse
 194 hotline and accepted for investigation, the department or the
 195 sheriff providing child protective investigative services under
 196 s. 39.3065, shall perform the following child protective
 197 investigation activities to determine child safety:
 198 1. Conduct a review of all relevant, available information
 199 specific to the child and family and alleged maltreatment;
 200 family child welfare history; local, state, and federal criminal
 201 records checks; and requests for law enforcement assistance
 202 provided by the abuse hotline. Based on a review of available
 203 information, including the allegations in the current report, a

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204 determination shall be made as to whether immediate consultation
 205 should occur with law enforcement, the child protection team, a
 206 domestic violence shelter or advocate, or a substance abuse or
 207 mental health professional. Such consultations should include
 208 discussion as to whether a joint response is necessary and
 209 feasible. A determination shall be made as to whether the person
 210 making the report should be contacted before the face-to-face
 211 interviews with the child and family members.
 212 2. Conduct face-to-face interviews with the child; other
 213 siblings, if any; and the parents, legal custodians, or
 214 caregivers.
 215 3. Assess the child's residence, including a determination
 216 of the composition of the family and household, including the
 217 name, address, date of birth, social security number, sex, and
 218 race of each child named in the report; any siblings or other
 219 children in the same household or in the care of the same
 220 adults; the parents, legal custodians, or caregivers; and any
 221 other adults in the same household.
 222 4. Determine whether there is any indication that any child
 223 in the family or household has been abused, abandoned, or
 224 neglected; the nature and extent of present or prior injuries,
 225 abuse, or neglect, and any evidence thereof; and a determination
 226 as to the person or persons apparently responsible for the
 227 abuse, abandonment, or neglect, including the name, address,
 228 date of birth, social security number, sex, and race of each
 229 such person.
 230 5. Complete assessment of immediate child safety for each
 231 child based on available records, interviews, and observations
 232 with all persons named in subparagraph 2. and appropriate

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collateral contacts, which may include other professionals. The department's child protection investigators are hereby designated a criminal justice agency for the purpose of accessing criminal justice information to be used for enforcing this state's laws concerning the crimes of child abuse, abandonment, and neglect. This information shall be used solely for purposes supporting the detection, apprehension, prosecution, pretrial release, posttrial release, or rehabilitation of criminal offenders or persons accused of the crimes of child abuse, abandonment, or neglect and may not be further disseminated or used for any other purpose.

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

a. If the child protective investigator implements a safety plan, the plan must be specific, sufficient, feasible, and sustainable in response to the realities of the present or impending danger. A safety plan may be an in-home plan or an

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out-of-home plan, or a combination of both. A safety plan may include tasks or responsibilities for a parent, caregiver, or legal custodian. However, a safety plan may not rely on promissory commitments by the parent, caregiver, or legal custodian who is currently not able to protect the child or on services that are not available or will not result in the safety of the child. A safety plan may not be implemented if for any reason the parents, guardian, or legal custodian lacks the capacity or ability to comply with the plan. If the department is not able to develop a plan that is specific, sufficient, feasible, and sustainable, the department shall file a shelter petition. A child protective investigator shall implement separate safety plans for the perpetrator of domestic violence, if the investigator is able to locate the perpetrator to implement a safety plan, and for the parent who is a victim of domestic violence as defined in s. 741.28. Reasonable efforts to locate a perpetrator include, but are not limited to, a diligent search pursuant to the same requirements as in s. 39.503. If the perpetrator of domestic violence is not the parent, guardian, or legal custodian of any child in the home and if the department does not intend to file a shelter petition or dependency petition that will assert allegations against the perpetrator as a parent of a child in the home ~~the child~~, the child protective investigator shall seek issuance of an injunction authorized by s. 39.504 to implement a safety plan for the perpetrator and impose any other conditions to protect the child. The safety plan for the parent who is a victim of domestic violence may not be shared with the perpetrator. If any party to a safety plan fails to comply with the safety plan resulting in the child

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being unsafe, the department shall file a shelter petition.

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

(I) The parent or legal custodian is of young age;

(II) The parent or legal custodian, or an adult currently living in or frequently visiting the home, has a history of substance abuse, mental illness, or domestic violence;

(III) The parent or legal custodian, or an adult currently living in or frequently visiting the home, has been previously found to have physically or sexually abused a child;

(IV) The parent or legal custodian or an adult currently living in or frequently visiting the home has been the subject of multiple allegations by reputable reports of abuse or neglect;

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

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

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

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lead agency shall monitor the implementation.

(23) If, at any time during a child protective investigation, a child is born into a family under investigation or a child moves into the home under investigation, the child protective investigator shall add the child to the investigation and assess the child's safety pursuant to subsection (7) and paragraph (9) (a).

Section 4. Subsections (1) and (7) of section 39.302, Florida Statutes, are amended to read:

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

(1) The department shall conduct a child protective investigation of each report of institutional child abuse, abandonment, or neglect. Upon receipt of a report that alleges that an employee or agent of the department, or any other entity or person covered by s. 39.01(32) or (48) ~~s. 39.01(32) or (47)~~, acting in an official capacity, has committed an act of child abuse, abandonment, or neglect, the department shall initiate a child protective investigation within the timeframe established under s. 39.201(5) and notify the appropriate state attorney, law enforcement agency, and licensing agency, which shall immediately conduct a joint investigation, unless independent investigations are more feasible. When conducting investigations or having face-to-face interviews with the child, investigation visits shall be unannounced unless it is determined by the department or its agent that unannounced visits threaten the safety of the child. If a facility is exempt from licensing, the department shall inform the owner or operator of the facility of the report. Each agency conducting a joint investigation is

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entitled to full access to the information gathered by the department in the course of the investigation. A protective investigation must include an interview with the child's parent or legal guardian. The department shall make a full written report to the state attorney within 3 working days after making the oral report. A criminal investigation shall be coordinated, whenever possible, with the child protective investigation of the department. Any interested person who has information regarding the offenses described in this subsection may forward a statement to the state attorney as to whether prosecution is warranted and appropriate. Within 15 days after the completion of the investigation, the state attorney shall report the findings to the department and shall include in the report a determination of whether or not prosecution is justified and appropriate in view of the circumstances of the specific case.

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

(a) However, if such a person is a licensee of the department and is named in any capacity in three or more reports within a 5-year period, the department may review those reports and determine whether the information contained in the reports is relevant for purposes of determining whether the person's

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license should be renewed or revoked. If the information is relevant to the decision to renew or revoke the license, the department may rely on the information contained in the report in making that decision.

(b) Likewise, if a person is employed as a caregiver in a residential group home licensed pursuant to s. 409.175 and is named in any capacity in three or more reports within a 5-year period, all reports may be reviewed for the purposes of the employment screening required pursuant to s. 409.145(2)(e).

Section 5. Paragraph (c) of subsection (8) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(8)

(c) At the shelter hearing, the court shall:

1. Appoint a guardian ad litem to represent the best interest of the child, unless the court finds that such representation is unnecessary;

2. Inform the parents or legal custodians of their right to counsel to represent them at the shelter hearing and at each subsequent hearing or proceeding, and the right of the parents to appointed counsel, pursuant to the procedures set forth in s. 39.013; ~~and~~

3. Give the parents or legal custodians an opportunity to be heard and to present evidence; ~~and~~

4. Inquire of those present at the shelter hearing as to the identity and location of the legal father. In determining who the legal father of the child may be, the court shall inquire under oath of those present at the shelter hearing whether they have any of the following information:

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a. Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

b. Whether the mother was cohabiting with a male at the probable time of conception of the child.

c. Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

d. Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

e. Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child or in which the child has resided or resides.

f. Whether a man is named on the birth certificate of the child pursuant to s. 382.013(2).

g. Whether a man has been determined by a court order to be the father of the child.

h. Whether a man has been determined by an administrative proceeding to be the father of the child.

Section 6. Subsections (1), (6), and (8) of section 39.503, Florida Statutes, are amended, subsection (9) is added to that section, and subsection (7) of that section is republished, to read:

39.503 Identity or location of parent unknown; special procedures.—

(1) If the identity or location of a parent is unknown and a petition for dependency or shelter is filed, the court shall

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conduct under oath the following inquiry of the parent or legal custodian who is available, or, if no parent or legal custodian is available, of any relative or custodian of the child who is present at the hearing and likely to have any of the following information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at the time of or since conception of the child, or in which the child has resided or resides.

(f) Whether a man is named on the birth certificate of the child pursuant to s. 382.013(2).

(g) Whether a man has been determined by a court order to be the father of the child.

(h) Whether a man has been determined by an administrative proceeding to be the father of the child.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all relatives of the parent or prospective parent made known to the petitioner, inquiries of

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all offices of program areas of the department likely to have information about the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, a thorough search of at least one electronic database specifically designed for locating persons, a search of the Florida Putative Father Registry, and inquiries of appropriate law enforcement agencies. Pursuant to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.

(7) Any agency contacted by a petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or ~~before~~ prior to the adjudicatory hearing in any termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section unless the other parent contests the determination of parenthood. If the prospective parent does not file a sworn affidavit of parenthood or if the other parent contests the determination of parenthood, the court may, after considering

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the best interest of the child, order scientific testing to determine the maternity or paternity of the child. The court shall assess the cost of the maternity or paternity determination as a cost of litigation. If the court finds the prospective parent to be a parent as a result of the scientific testing, the court shall enter a judgment of maternity or paternity, shall assess the cost of the scientific testing to the parent, and shall enter an amount of child support to be paid by the parent as determined under s. 61.30. If the known parent contests the recognition of the prospective parent as a parent, the prospective parent shall not be recognized as a parent until proceedings to determine maternity or paternity under chapter 742 have been concluded. However, the prospective parent shall continue to receive notice of hearings as a participant until pending results of the chapter 742 proceedings to determine maternity or paternity have been concluded.

(9) If the diligent search under subsection (5) fails to identify and locate a prospective parent, the court shall so find and may proceed without further notice.

Section 7. Section 39.504, Florida Statutes, is amended to read:

39.504 Injunction ~~pending disposition of petition;~~ penalty.—

(1) At any time after a protective investigation has been initiated pursuant to part III of this chapter, the court, upon the request of the department, a law enforcement officer, the state attorney, or other responsible person, or upon its own motion, may, if there is reasonable cause, issue an injunction to prevent any act of child abuse. Reasonable cause for the

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issuance of an injunction exists if there is evidence of child abuse or if there is a reasonable likelihood of such abuse occurring based upon a recent overt act or failure to act. If there is a pending dependency proceeding regarding the child whom the injunction is sought to protect, the judge hearing the dependency proceeding must also hear the injunction proceeding regarding the child.

(2) The petitioner seeking the injunction shall file a verified petition, or a petition along with an affidavit, setting forth the specific actions by the alleged offender from which the child must be protected and all remedies sought. Upon filing the petition, the court shall set a hearing to be held at the earliest possible time. Pending the hearing, the court may issue a temporary ex parte injunction, with verified pleadings or affidavits as evidence. The temporary ex parte injunction pending a hearing is effective for up to 15 days and the hearing must be held within that period unless continued for good cause shown, which may include obtaining service of process, in which case the temporary ex parte injunction shall be extended for the continuance period. The hearing may be held sooner if the alleged offender has received reasonable notice.

(3) Before the hearing, the alleged offender must be personally served with a copy of the petition, all other pleadings related to the petition, a notice of hearing, and, if one has been entered, the temporary injunction. If the petitioner is unable to locate the alleged offender for service after a diligent search pursuant to the same requirements as in s. 39.503 and the filing of an affidavit of diligent search, the court may enter the injunction based on the sworn petition and

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any affidavits. At the hearing, the court may base its determination on a sworn petition, testimony, or an affidavit and may hear all relevant and material evidence, including oral and written reports, to the extent of its probative value even though it would not be competent evidence at an adjudicatory hearing. Following the hearing, the court may enter a final injunction. The court may grant a continuance of the hearing at any time for good cause shown by any party. If a temporary injunction has been entered, it shall be continued during the continuance.

(4) If an injunction is issued under this section, the primary purpose of the injunction must be to protect and promote the best interests of the child, taking the preservation of the child's immediate family into consideration.

(a) The injunction applies to the alleged or actual offender in a case of child abuse or acts of domestic violence. The conditions of the injunction shall be determined by the court, which may include ordering the alleged or actual offender to:

1. Refrain from further abuse or acts of domestic violence.
2. Participate in a specialized treatment program.
3. Limit contact or communication with the child victim, other children in the home, or any other child.
4. Refrain from contacting the child at home, school, work, or wherever the child may be found.
5. Have limited or supervised visitation with the child.
6. Vacate the home in which the child resides.
7. Comply with the terms of a safety plan implemented in the injunction pursuant to s. 39.301.

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581 (b) Upon proper pleading, the court may award the following
 582 relief in a temporary ex parte or final injunction:

583 1. Exclusive use and possession of the dwelling to the
 584 caregiver or exclusion of the alleged or actual offender from
 585 the residence of the caregiver.

586 2. Temporary support for the child or other family members.

587 3. The costs of medical, psychiatric, and psychological
 588 treatment for the child incurred due to the abuse, and similar
 589 costs for other family members.

590

591 This paragraph does not preclude an adult victim of domestic
 592 violence from seeking protection for himself or herself under s.
 593 741.30.

594 (c) The terms of the final injunction shall remain in
 595 effect until modified or dissolved by the court. The petitioner,
 596 respondent, or caregiver may move at any time to modify or
 597 dissolve the injunction. Notice of hearing on the motion to
 598 modify or dissolve the injunction must be provided to all
 599 parties, including the department. The injunction is valid and
 600 enforceable in all counties in the state.

601 (5) Service of process on the respondent shall be carried
 602 out pursuant to s. 741.30. The department shall deliver a copy
 603 of any injunction issued pursuant to this section to the
 604 protected party or to a parent, caregiver, or individual acting
 605 in the place of a parent who is not the respondent. Law
 606 enforcement officers may exercise their arrest powers as
 607 provided in s. 901.15(6) to enforce the terms of the injunction.

608 (6) Any person who fails to comply with an injunction
 609 issued pursuant to this section commits a misdemeanor of the

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610 first degree, punishable as provided in s. 775.082 or s.
 611 775.083.

612 (7) The person against whom an injunction is entered under
 613 this section does not automatically become a party to a
 614 subsequent dependency action concerning the same child.

615 Section 8. Paragraph (b) of subsection (7) of section
 616 39.507, Florida Statutes, is amended to read:

617 39.507 Adjudicatory hearings; orders of adjudication.—

618 (7)

619 (b) However, the court must determine whether each parent
 620 or legal custodian identified in the case abused, abandoned, or
 621 neglected the child or engaged in conduct that placed the child
 622 at substantial risk of imminent abuse, abandonment, or neglect
 623 in a subsequent evidentiary hearing. If a second parent is
 624 served and brought into the proceeding after the adjudication,
 625 and an the evidentiary hearing for the second parent is
 626 conducted subsequent to the adjudication of the child, the court
 627 shall supplement the adjudicatory order, disposition order, and
 628 the case plan, as necessary. The petitioner is not required to
 629 prove actual harm or actual abuse by the second parent in order
 630 for the court to make supplemental findings regarding the
 631 conduct of the second parent. The court is not required to
 632 conduct an evidentiary hearing for the second parent in order to
 633 supplement the adjudicatory order, the disposition order, and
 634 the case plan if the requirements of s. 39.506(3) or (5) are
 635 satisfied. With the exception of proceedings pursuant to s.
 636 39.811, the child's dependency status may not be retried or
 637 readjudicated.

638 Section 9. Paragraph (a) of subsection (2) of section

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639 39.5085, Florida Statutes, is amended to read:

640 39.5085 Relative Caregiver Program.—

641 (2) (a) The Department of Children and Families shall
 642 establish, ~~and operate, and implement~~ the Relative Caregiver
 643 Program ~~pursuant to eligibility guidelines established in this~~
 644 ~~section as further implemented~~ by rule of the department. The
 645 Relative Caregiver Program shall, within the limits of available
 646 funding, provide financial assistance to:

647 1. Relatives who are within the fifth degree by blood or
 648 marriage to the parent or stepparent of a child and who are
 649 caring full-time for that dependent child in the role of
 650 substitute parent as a result of a court's determination of
 651 child abuse, neglect, or abandonment and subsequent placement
 652 with the relative under this chapter.

653 2. Relatives who are within the fifth degree by blood or
 654 marriage to the parent or stepparent of a child and who are
 655 caring full-time for that dependent child, and a dependent half-
 656 brother or half-sister of that dependent child, in the role of
 657 substitute parent as a result of a court's determination of
 658 child abuse, neglect, or abandonment and subsequent placement
 659 with the relative under this chapter.

660 3. Nonrelatives who are willing to assume custody and care
 661 of a dependent child in the role of substitute parent as a
 662 result of a court's determination of child abuse, neglect, or
 663 abandonment and subsequent placement with the nonrelative
 664 caregiver under this chapter. The court must find that a
 665 proposed placement under this subparagraph is in the best
 666 interest of the child.

667 4. The relative or nonrelative caregiver may not receive a

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668 Relative Caregiver Program payment if the parent or stepparent
 669 of the child resides in the home. However, a relative or
 670 nonrelative may receive the Relative Caregiver Program payment
 671 for a minor parent who is in his or her care, as well as for the
 672 minor parent's child, if both children have been adjudicated
 673 dependent and meet all other eligibility requirements. If the
 674 caregiver is currently receiving the payment, the Relative
 675 Caregiver Program payment must be terminated no later than the
 676 first of the following month after the parent or stepparent
 677 moves into the home, allowing for 10-day notice of adverse
 678 action.

679
 680 The placement may be court-ordered temporary legal custody to
 681 the relative or nonrelative under protective supervision of the
 682 department pursuant to s. 39.521(1)(c)3. ~~s. 39.521(1)(b)3.~~, or
 683 court-ordered placement in the home of a relative or nonrelative
 684 as a permanency option under s. 39.6221 or s. 39.6231 or under
 685 former s. 39.622 if the placement was made before July 1, 2006.
 686 The Relative Caregiver Program shall offer financial assistance
 687 to caregivers who would be unable to serve in that capacity
 688 without the caregiver payment because of financial burden, thus
 689 exposing the child to the trauma of placement in a shelter or in
 690 foster care.

691 Section 10. Subsections (1), (2), (6), and (7) of section
 692 39.521, Florida Statutes, are amended to read:

693 39.521 Disposition hearings; powers of disposition.—

694 (1) A disposition hearing shall be conducted by the court,
 695 if the court finds that the facts alleged in the petition for
 696 dependency were proven in the adjudicatory hearing, or if the

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697 parents or legal custodians have consented to the finding of
 698 dependency or admitted the allegations in the petition, have
 699 failed to appear for the arraignment hearing after proper
 700 notice, or have not been located despite a diligent search
 701 having been conducted.

702 (a) A written case plan and a family functioning assessment
 703 ~~predisposition study~~ prepared by an authorized agent of the
 704 department must be approved by ~~filed with~~ the court. The
 705 department must file the case plan and the family functioning
 706 assessment with the court, serve a copy of the case plan on,
 707 ~~served upon~~ the parents of the child, and provide a copy of the
 708 case plan provided to the representative of the guardian ad
 709 litem program, if the program has been appointed, and provide a
 710 copy provided to all other parties:

711 1. Not less than 72 hours before the disposition hearing,
 712 if the disposition hearing occurs on or after the 60th day after
 713 the child was placed in out-of-home care. All such case plans
 714 must be approved by the court.

715 2. Not less than 72 hours before the case plan acceptance
 716 hearing, if the disposition hearing occurs before the 60th day
 717 after the date the child was placed in out-of-home care and a
 718 case plan has not been submitted pursuant to this paragraph, or
 719 if the court does not approve the case plan at the disposition
 720 hearing, ~~The case plan acceptance hearing must occur the court~~
 721 ~~must set a hearing~~ within 30 days after the disposition hearing
 722 to review and approve the case plan.

723 (b) The court may grant an exception to the requirement for
 724 a family functioning assessment ~~predisposition study~~ by separate
 725 order or within the judge's order of disposition upon finding

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726 that all the family and child information required by subsection
 727 (2) is available in other documents filed with the court.

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

731 1. Require the parent and, when appropriate, the legal
 732 custodian and the child to participate in treatment and services
 733 identified as necessary. The court may require the person who
 734 has custody or who is requesting custody of the child to submit
 735 to a mental health or substance abuse disorder assessment or
 736 evaluation. The order may be made only upon good cause shown and
 737 pursuant to notice and procedural requirements provided under
 738 the Florida Rules of Juvenile Procedure. The mental health
 739 assessment or evaluation must be administered by a qualified
 740 professional as defined in s. 39.01, and the substance abuse
 741 assessment or evaluation must be administered by a qualified
 742 professional as defined in s. 397.311. The court may also
 743 require such person to participate in and comply with treatment
 744 and services identified as necessary, including, when
 745 appropriate and available, participation in and compliance with
 746 a mental health court program established under chapter 394 or a
 747 treatment-based drug court program established under s. 397.334.
 748 Adjudication of a child as dependent based upon evidence of harm
 749 as defined in s. 39.01(30)(g) demonstrates good cause, and the
 750 court shall require the parent whose actions caused the harm to
 751 submit to a substance abuse disorder assessment or evaluation
 752 and to participate and comply with treatment and services
 753 identified in the assessment or evaluation as being necessary.
 754 In addition to supervision by the department, the court,

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including the mental health court program or the treatment-based drug court program, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's best interests. Any order entered under this subparagraph may be made only upon good cause shown. This subparagraph does not authorize placement of a child with a person seeking custody of the child, other than the child's parent or legal custodian, who requires mental health or substance abuse disorder treatment.

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

3. Require placement of the child either under the protective supervision of an authorized agent of the department in the home of one or both of the child's parents or in the home of a relative of the child or another adult approved by the court, or in the custody of the department. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order

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terminating supervision by the department must set forth the powers of the custodian of the child and include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, further judicial reviews are not required if permanency has been established for the child.

(d) ~~(e)~~ At the conclusion of the disposition hearing, the court shall schedule the initial judicial review hearing which must be held no later than 90 days after the date of the disposition hearing or after the date of the hearing at which the court approves the case plan, whichever occurs earlier, but in no event shall the review hearing be held later than 6 months after the date of the child's removal from the home.

(e) ~~(d)~~ The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child.
2. Special conditions of placement and visitation.
3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.
4. The persons or entities responsible for supervising or monitoring services to the child and parent.
5. Continuation or discharge of the guardian ad litem, as appropriate.
6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:
 - a. Ninety days after the disposition hearing;
 - b. Ninety days after the court accepts the case plan;
 - c. Six months after the date of the last review hearing; or
 - d. Six months after the date of the child's removal from

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his or her home, if no review hearing has been held since the child's removal from the home.

7. If the child is in an out-of-home placement, child support to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.

8.a. If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.

b. If no suitable relative is found and the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if

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it is in the child's best interest to remain in the current placement.

For the purposes of this section, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.

9. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's educational placement, and to promote family preservation or reunification whenever possible.

(f)(e) If the court finds that an in-home safety plan prepared or approved by the department ~~the prevention or reunification efforts of the department~~ will allow the child to remain safely at home or that conditions for return have been met and an in-home safety plan prepared or approved by the department will allow the child to be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that ~~the reasons for removal have been remedied to the extent that the~~ child's safety, well-being, and physical, mental, and emotional health will not be endangered.

(g)(f) If the court places the child in an out-of-home placement, the disposition order must include a written determination that the child cannot safely remain at home with reunification or family preservation services and that removal of the child is necessary to protect the child. If the child is removed before the disposition hearing, the order must also include a written determination as to whether, after removal,

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the department made a reasonable effort to reunify the parent and child. Reasonable efforts to reunify are not required if the court finds that any of the acts listed in s. 39.806(1)(f)-(l) have occurred. The department has the burden of demonstrating that it made reasonable efforts.

1. For the purposes of this paragraph, the term "reasonable effort" means the exercise of reasonable diligence and care by the department to provide the services ordered by the court or delineated in the case plan.

2. In support of its determination as to whether reasonable efforts have been made, the court shall:

a. Enter written findings as to whether prevention or reunification efforts were indicated.

b. If prevention or reunification efforts were indicated, include a brief written description of what appropriate and available prevention and reunification efforts were made.

c. Indicate in writing why further efforts could or could not have prevented or shortened the separation of the parent and child.

3. A court may find that the department made a reasonable effort to prevent or eliminate the need for removal if:

a. The first contact of the department with the family occurs during an emergency;

b. The appraisal by the department of the home situation indicates a substantial and immediate danger to the child's safety or physical, mental, or emotional health which cannot be mitigated by the provision of preventive services;

c. The child cannot safely remain at home, because there are no preventive services that can ensure the health and safety

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of the child or, even with appropriate and available services being provided, the health and safety of the child cannot be ensured; or

d. The parent is alleged to have committed any of the acts listed as grounds for expedited termination of parental rights under s. 39.806(1)(f)-(l).

4. A reasonable effort by the department for reunification has been made if the appraisal of the home situation by the department indicates that the severity of the conditions of dependency is such that reunification efforts are inappropriate. The department has the burden of demonstrating to the court that reunification efforts were inappropriate.

5. If the court finds that the prevention or reunification effort of the department would not have permitted the child to remain safely at home, the court may commit the child to the temporary legal custody of the department or take any other action authorized by this chapter.

(2) The family functioning assessment ~~predisposition study~~ must provide the court with the following documented information:

(a) Evidence of maltreatment and the circumstances accompanying the maltreatment.

(b) Identification of all danger threats active in the home.

(c) An assessment of the adult functioning of the parents.

(d) An assessment of general parenting practices and the parent's disciplinary approach and behavior management methods.

(e) An assessment of the parent's behavioral, emotional, and cognitive protective capacities.

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- 929 (f) An assessment of child functioning.
- 930 (g) A safety analysis describing the capacity for an in-
- 931 home safety plan to control the conditions that result in the
- 932 child being unsafe and the specific actions necessary to keep
- 933 the child safe.
- 934 (h) Identification of the conditions for return which would
- 935 allow the child to be placed safely back into the home with an
- 936 in-home safety plan and any safety management services necessary
- 937 to ensure the child's safety.
- 938 ~~(a) The capacity and disposition of the parents to provide~~
- 939 ~~the child with food, clothing, medical care, or other remedial~~
- 940 ~~care recognized and permitted under the laws of this state in~~
- 941 ~~lieu of medical care, and other material needs.~~
- 942 ~~(b) The length of time the child has lived in a stable,~~
- 943 ~~satisfactory environment and the desirability of maintaining~~
- 944 ~~continuity.~~
- 945 ~~(c) The mental and physical health of the parents.~~
- 946 ~~(d) The home, school, and community record of the child.~~
- 947 (i)(e) The reasonable preference of the child, if the court
- 948 deems the child to be of sufficient intelligence, understanding,
- 949 and experience to express a preference.
- 950 ~~(f) Evidence of domestic violence or child abuse.~~
- 951 ~~(g) An assessment defining the dangers and risks of~~
- 952 ~~returning the child home, including a description of the changes~~
- 953 ~~in and resolutions to the initial risks.~~
- 954 ~~(h) A description of what risks are still present and what~~
- 955 ~~resources are available and will be provided for the protection~~
- 956 ~~and safety of the child.~~
- 957 ~~(i) A description of the benefits of returning the child~~

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- 958 ~~home.~~
- 959 ~~(j) A description of all unresolved issues.~~
- 960 (j)(k) Child welfare A Florida Abuse Hotline Information
- 961 System (FAHIS) history and criminal records check for all
- 962 caregivers, family members, and individuals residing within the
- 963 household from which the child was removed from the State
- 964 Automated Child Welfare Information System (SACWIS).
- 965 (k)(l) The complete report and recommendation of the child
- 966 protection team of the Department of Health or, if no report
- 967 exists, a statement reflecting that no report has been made.
- 968 (l)(m) All opinions or recommendations from other
- 969 professionals or agencies that provide evaluative, social,
- 970 reunification, or other services to the parent and child.
- 971 (m)(n) A listing of appropriate and available safety
- 972 management prevention and reunification services for the parent
- 973 and child to prevent the removal of the child from the home or
- 974 to reunify the child with the parent after removal, including
- 975 the availability of family preservation services and an
- 976 explanation of the following:
- 977 1. If the services were or were not provided.
- 978 2. If the services were provided, the outcome of the
- 979 services.
- 980 3. If the services were not provided, why they were not
- 981 provided.
- 982 4. If the services are currently being provided and if they
- 983 need to be continued.
- 984 ~~(o) A listing of other prevention and reunification~~
- 985 ~~services that were available but determined to be inappropriate~~
- 986 ~~and why.~~

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987 ~~(p) Whether dependency mediation was provided.~~
 988 ~~(n)(q)~~ If the child has been removed from the home and
 989 there is a parent who may be considered for custody pursuant to
 990 this section, a recommendation as to whether placement of the
 991 child with that parent would be detrimental to the child.
 992 ~~(o)(r)~~ If the child has been removed from the home and will
 993 be remaining with a relative, parent, or other adult approved by
 994 the court, a home study report concerning the proposed placement
 995 shall be provided to the court ~~included in the predisposition~~
 996 ~~report~~. Before recommending to the court any out-of-home
 997 placement for a child other than placement in a licensed shelter
 998 or foster home, the department shall conduct a study of the home
 999 of the proposed legal custodians, which must include, at a
 1000 minimum:
 1001 1. An interview with the proposed legal custodians to
 1002 assess their ongoing commitment and ability to care for the
 1003 child.
 1004 2. Records checks through the State Automated Child Welfare
 1005 Information System (SACWIS), and local and statewide criminal
 1006 and juvenile records checks through the Department of Law
 1007 Enforcement, on all household members 12 years of age or older.
 1008 In addition, the fingerprints of any household members who are
 1009 18 years of age or older may be submitted to the Department of
 1010 Law Enforcement for processing and forwarding to the Federal
 1011 Bureau of Investigation for state and national criminal history
 1012 information. The department has the discretion to request State
 1013 Automated Child Welfare Information System (SACWIS) and local,
 1014 statewide, and national criminal history checks and
 1015 fingerprinting of any other visitor to the home who is made

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1016 known to the department. Out-of-state criminal records checks
 1017 must be initiated for any individual who has resided in a state
 1018 other than Florida if that state's laws allow the release of
 1019 these records. The out-of-state criminal records must be filed
 1020 with the court within 5 days after receipt by the department or
 1021 its agent.
 1022 3. An assessment of the physical environment of the home.
 1023 4. A determination of the financial security of the
 1024 proposed legal custodians.
 1025 5. A determination of suitable child care arrangements if
 1026 the proposed legal custodians are employed outside of the home.
 1027 6. Documentation of counseling and information provided to
 1028 the proposed legal custodians regarding the dependency process
 1029 and possible outcomes.
 1030 7. Documentation that information regarding support
 1031 services available in the community has been provided to the
 1032 proposed legal custodians.
 1033 8. The reasonable preference of the child, if the court
 1034 deems the child to be of sufficient intelligence, understanding,
 1035 and experience to express a preference.
 1036
 1037 The department may not place the child or continue the placement
 1038 of the child in a home under shelter or postdisposition
 1039 placement if the results of the home study are unfavorable,
 1040 unless the court finds that this placement is in the child's
 1041 best interest.
 1042 ~~(p)(s)~~ If the child has been removed from the home, a
 1043 determination of the amount of child support each parent will be
 1044 required to pay pursuant to s. 61.30.

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~~(t) If placement of the child with anyone other than the child's parent is being considered, the predisposition study shall include the designation of a specific length of time as to when custody by the parent will be reconsidered.~~

Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing. Except as otherwise specifically provided, nothing in this section prohibits the publication of proceedings in a hearing.

(6) With respect to a child who is the subject in proceedings under this chapter, the court may issue to the department an order to show cause why it should not return the child to the custody of the parents upon the presentation of evidence that the conditions for return of the child have been met ~~expiration of the case plan, or sooner if the parents have substantially complied with the case plan.~~

(7) The court may enter an order ending its jurisdiction over a child when a child has been returned to the parents, provided the court shall not terminate its jurisdiction or the department's supervision over the child until 6 months after the child's return. The department shall supervise the placement of the child after reunification for at least 6 months with each parent or legal custodian from whom the child was removed. The court shall determine whether its jurisdiction should be continued or terminated in such a case based on a report of the department or agency or the child's guardian ad litem, and any

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other relevant factors; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

Section 11. Subsections (2) and (3) of section 39.522, Florida Statutes, are amended to read:

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

(2) In cases where the issue before the court is whether a child should be reunited with a parent, the court shall review the conditions for return and determine whether the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied ~~parent has substantially complied with the terms of the case plan~~ to the extent that the return of the child to the home with an in-home safety plan prepared or approved by the department will not be detrimental to the child's safety, well-being, and physical, mental, and emotional health ~~of the child is not endangered by the return of the child to the home.~~

(3) In cases where the issue before the court is whether a child who is placed in the custody of a parent should be reunited with the other parent upon a finding that the circumstances that caused the out-of-home placement and issues subsequently identified have been remedied to the extent that the return of the child to the home of the other parent with an in-home safety plan prepared or approved by the department will not be detrimental to the child ~~of substantial compliance with the terms of the case plan~~, the standard shall be that the safety, well-being, and physical, mental, and emotional health

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of the child would not be endangered by reunification and that reunification would be in the best interest of the child.

Section 12. Section 39.523, Florida Statutes, is amended to read:

(Substantial rewording of section. See 39.523, F.S., for present text.)

39.523 Placement in out-of-home care.—The Legislature finds that it is a basic tenet of child welfare practice and the law that children be placed in the least restrictive, most family-like setting available in close proximity to the home of their parents, consistent with the best interests and needs of the child, and that children be placed in permanent homes in a timely manner.

(1) When any child is removed from the home and placed into out-of-home care, an assessment shall be completed to determine the best placement option to meet the child's immediate and ongoing services and support needs. Each child in out-of-home care must be assessed by a trauma-informed qualified clinician using an evidence-based assessment tool within the first 30 days of the child's coming into care to determine whether the child's needs can be met with family members or in a family foster home and, if not, which type of foster care placement setting would provide a more effective and appropriate level of care.

(2) The assessment and any placement decision must be done in conjunction with a permanency team that must be established by the department or the community-based care lead agency that places children pursuant to this section and is dedicated to overcoming the permanency challenges occurring for children in out-of-home care. The team must include a representative from

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the community-based care lead agency, the caseworker for the child, the out-of-home care provider, the guardian ad litem if one has been appointed, any provider of services to the child, teachers, clergy, relatives, fictive kin, and all appropriate biological family members.

(3) The permanency team shall convene a multidisciplinary staffing every 180 calendar days, to coincide with the judicial review, to reassess the appropriateness of the child's current placement. The multidisciplinary staffing shall consider, at a minimum, the current level of the child's functioning, whether recommended services are being provided effectively, any services that would enable transition to a less restrictive family-like setting, and diligent efforts to find other permanent living arrangements for the child.

(4) The department shall document initial placement assessments in the Florida Safe Families Network.

(5) If it is determined during the preplacement evaluation that residential treatment as defined in s. 39.407 would be suitable for the child, the procedures in that section must be followed.

(6) Within 60 days after a placement of a child in out-of-home care, a court must review the assessment and placement decision and approve or disapprove the placement. At each subsequent judicial review, the department shall demonstrate why the placement is in the least restrictive setting. If the child has been placed in group care with a residential child-caring agency, the department must demonstrate why the child cannot be placed with a relative or nonrelative or in a family foster home, must demonstrate why the placement in group care with a

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residential child-caring agency continues to be necessary and consistent with the child's short-term and long-term goals, and must document efforts to help the child transition to a more family-like setting.

(7) By October 1 of each year, the department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the placement of children in out-of-home care, including placements with relatives and nonrelatives, family foster homes, and residential group care during the year. At a minimum, the report must include, by community-based care lead agency:

(a) The number of children placed with relatives and nonrelatives, in family foster homes, and in residential group care.

(b) An inventory of available services that are necessary to maintain children in the least restrictive settings and a plan for filling any identified gap in those services.

(c) The number of children who were placed based upon the assessment.

(d) An inventory of existing placements for children by type and by community-based care lead agency.

(e) The strategies being used by community-based care lead agencies to recruit, train, and support an adequate number of families to provide home-based family care.

(f) For every placement of a child made that is contrary to an appropriate placement as determined by the assessment process in this section, an explanation from the community-based care lead agency as to why the placement was made.

Section 13. Subsection (1) of section 39.6011, Florida

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Statutes, is amended to read:

39.6011 Case plan development.—

(1) The department shall prepare a draft of the case plan for each child receiving services under this chapter. A parent of a child may not be threatened or coerced with the loss of custody or parental rights for failing to admit in the case plan of abusing, neglecting, or abandoning a child. Participating in the development of a case plan is not an admission to any allegation of abuse, abandonment, or neglect, and it is not a consent to a finding of dependency or termination of parental rights. The case plan shall be developed subject to the following requirements:

(a) The case plan must be developed in a face-to-face conference with the parent of the child, any court-appointed guardian ad litem, and, if appropriate, the child and the temporary custodian of the child.

(b) Notwithstanding s. 39.202, the department may discuss confidential information during the case planning conference in the presence of individuals who participate in the conference. All individuals who participate in the conference shall maintain the confidentiality of all information shared during the case planning conference.

(c) ~~(b)~~ The parent may receive assistance from any person or social service agency in preparing the case plan. The social service agency, the department, and the court, when applicable, shall inform the parent of the right to receive such assistance, including the right to assistance of counsel.

(d) ~~(c)~~ If a parent is unwilling or unable to participate in developing a case plan, the department shall document that

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1219 unwillingness or inability to participate. The documentation
 1220 must be provided in writing to the parent when available for the
 1221 court record, and the department shall prepare a case plan
 1222 conforming as nearly as possible with the requirements set forth
 1223 in this section. The unwillingness or inability of the parent to
 1224 participate in developing a case plan does not preclude the
 1225 filing of a petition for dependency or for termination of
 1226 parental rights. The parent, if available, must be provided a
 1227 copy of the case plan and be advised that he or she may, at any
 1228 time before the filing of a petition for termination of parental
 1229 rights, enter into a case plan and that he or she may request
 1230 judicial review of any provision of the case plan with which he
 1231 or she disagrees at any court hearing set for the child.

1232 Section 14. Subsection (1) of section 39.6012, Florida
 1233 Statutes, is amended to read:

1234 39.6012 Case plan tasks; services.—

1235 (1) The services to be provided to the parent and the tasks
 1236 that must be completed are subject to the following:

1237 (a) The services described in the case plan must be
 1238 designed to improve the conditions in the home and aid in
 1239 maintaining the child in the home, facilitate the child's safe
 1240 return to the home, ensure proper care of the child, or
 1241 facilitate the child's permanent placement. The services offered
 1242 must be the least intrusive possible into the life of the parent
 1243 and child, must focus on clearly defined objectives, and must
 1244 provide the most efficient path to quick reunification or
 1245 permanent placement given the circumstances of the case and the
 1246 child's need for safe and proper care.

1247 (b) The case plan must describe each of the tasks with

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1248 which the parent must comply and the services to be provided to
 1249 the parent, specifically addressing the identified problem,
 1250 including:

- 1251 1. The type of services or treatment.
- 1252 2. The date the department will provide each service or
 1253 referral for the service if the service is being provided by the
 1254 department or its agent.
- 1255 3. The date by which the parent must complete each task.
- 1256 4. The frequency of services or treatment provided. The
 1257 frequency of the delivery of services or treatment provided
 1258 shall be determined by the professionals providing the services
 1259 or treatment on a case-by-case basis and adjusted according to
 1260 their best professional judgment.
- 1261 5. The location of the delivery of the services.
- 1262 6. The staff of the department or service provider
 1263 accountable for the services or treatment.
- 1264 7. A description of the measurable objectives, including
 1265 the timeframes specified for achieving the objectives of the
 1266 case plan and addressing the identified problem.

1267 (c) If there is evidence of harm as defined in s.
 1268 39.01(30)(g), the case plan must include as a required task for
 1269 the parent whose actions caused the harm that the parent submit
 1270 to a substance abuse disorder assessment or evaluation and
 1271 participate and comply with treatment and services identified in
 1272 the assessment or evaluation as being necessary.

1273 Section 15. Subsection (7) is added to section 39.6221,
 1274 Florida Statutes, to read:

1275 39.6221 Permanent guardianship of a dependent child.—

1276 (7) The requirements of s. 61.13001 do not apply to

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1277 permanent guardianships established under this section.

1278 Section 16. Paragraph (h) is added to subsection (1) of
1279 section 39.701, Florida Statutes, to read:

1280 39.701 Judicial review.—

1281 (1) GENERAL PROVISIONS.—

1282 (h) If a child is born into a family that is under the
1283 court's jurisdiction or a child moves into a home that is under
1284 the court's jurisdiction, the department shall assess the
1285 child's safety and provide notice to the court.

1286 1. The department shall complete an assessment to determine
1287 how the addition of a child will impact family functioning. The
1288 assessment must be completed at least 30 days before a child is
1289 expected to be born or to move into a home, or within 72 hours
1290 after the department learns of the pregnancy or addition if the
1291 child is expected to be born or to move into the home in less
1292 than 30 days. The assessment shall be filed with the court.

1293 2. Once a child is born into a family or a child moves into
1294 the home, the department shall complete a progress update and
1295 file it with the court.

1296 3. The court has the discretion to hold a hearing on the
1297 progress update filed by the department.

1298 4. The department shall adopt rules to implement this
1299 subsection.

1300 Section 17. Subsection (3) of section 39.801, Florida
1301 Statutes, is amended to read:

1302 39.801 Procedures and jurisdiction; notice; service of
1303 process.—

1304 (3) Before the court may terminate parental rights, in
1305 addition to the other requirements set forth in this part, the

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1306 following requirements must be met:

1307 (a) Notice of the date, time, and place of the advisory
1308 hearing for the petition to terminate parental rights and a copy
1309 of the petition must be personally served upon the following
1310 persons, specifically notifying them that a petition has been
1311 filed:

1312 1. The parents of the child.

1313 2. The legal custodians of the child.

1314 3. If the parents who would be entitled to notice are dead
1315 or unknown, a living relative of the child, unless upon diligent
1316 search and inquiry no such relative can be found.

1317 4. Any person who has physical custody of the child.

1318 5. Any grandparent entitled to priority for adoption under
1319 s. 63.0425.

1320 6. Any prospective parent who has been identified under s.
1321 39.503 or s. 39.803, unless a court order has been entered
1322 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1323 indicates no further notice is required. Except as otherwise
1324 provided in this section, if there is not a legal father, notice
1325 of the petition for termination of parental rights must be
1326 provided to any known prospective father who is identified under
1327 oath before the court or who is identified by a diligent search
1328 of the Florida Putative Father Registry. Service of the notice
1329 of the petition for termination of parental rights may not be
1330 required if the prospective father executes an affidavit of
1331 nonpaternity or a consent to termination of his parental rights
1332 which is accepted by the court after notice and opportunity to
1333 be heard by all parties to address the best interests of the
1334 child in accepting such affidavit.

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7. The guardian ad litem for the child or the representative of the guardian ad litem program, if the program has been appointed.

The document containing the notice to respond or appear must contain, in type at least as large as the type in the balance of the document, the following or substantially similar language: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS NOTICE."

(b) If a party required to be served with notice as prescribed in paragraph (a) cannot be served, notice of hearings must be given as prescribed by the rules of civil procedure, and service of process must be made as specified by law or civil actions.

(c) Notice as prescribed by this section may be waived, in the discretion of the judge, with regard to any person to whom notice must be given under this subsection if the person executes, before two witnesses and a notary public or other officer authorized to take acknowledgments, a written surrender of the child to a licensed child-placing agency or the department.

(d) If the person served with notice under this section fails to personally appear at the advisory hearing, the failure to personally appear shall constitute consent for termination of parental rights by the person given notice. If a parent appears

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for the advisory hearing and the court orders that parent to personally appear at the adjudicatory hearing for the petition for termination of parental rights, stating the date, time, and location of said hearing, then failure of that parent to personally appear at the adjudicatory hearing shall constitute consent for termination of parental rights.

Section 18. Section 39.803, Florida Statutes, is amended, to read:

39.803 Identity or location of parent unknown after filing of termination of parental rights petition; special procedures.—

(1) If the identity or location of a parent is unknown and a petition for termination of parental rights is filed, the court shall conduct under oath the following inquiry of the parent who is available, or, if no parent is available, of any relative, caregiver, or legal custodian of the child who is present at the hearing and likely to have the information:

(a) Whether the mother of the child was married at the probable time of conception of the child or at the time of birth of the child.

(b) Whether the mother was cohabiting with a male at the probable time of conception of the child.

(c) Whether the mother has received payments or promises of support with respect to the child or because of her pregnancy from a man who claims to be the father.

(d) Whether the mother has named any man as the father on the birth certificate of the child or in connection with applying for or receiving public assistance.

(e) Whether any man has acknowledged or claimed paternity of the child in a jurisdiction in which the mother resided at

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the time of or since conception of the child, or in which the child has resided or resides.

(f) Whether a man is named on the birth certificate of the child pursuant to s. 382.013(2).

(g) Whether a man has been determined by a court order to be the father of the child.

(h) Whether a man has been determined by an administrative proceeding to be the father of the child.

(2) The information required in subsection (1) may be supplied to the court or the department in the form of a sworn affidavit by a person having personal knowledge of the facts.

(3) If the inquiry under subsection (1) identifies any person as a parent or prospective parent, the court shall require notice of the hearing to be provided to that person.

(4) If the inquiry under subsection (1) fails to identify any person as a parent or prospective parent, the court shall so find and may proceed without further notice.

(5) If the inquiry under subsection (1) identifies a parent or prospective parent, and that person's location is unknown, the court shall direct the petitioner to conduct a diligent search for that person before scheduling an adjudicatory hearing regarding the petition for termination of parental rights to the child unless the court finds that the best interest of the child requires proceeding without actual notice to the person whose location is unknown.

(6) The diligent search required by subsection (5) must include, at a minimum, inquiries of all known relatives of the parent or prospective parent, inquiries of all offices of program areas of the department likely to have information about

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the parent or prospective parent, inquiries of other state and federal agencies likely to have information about the parent or prospective parent, inquiries of appropriate utility and postal providers, a thorough search of at least one electronic database specifically designed for locating persons, a search of the Florida Putative Father Registry, and inquiries of appropriate law enforcement agencies. Pursuant to s. 453 of the Social Security Act, 42 U.S.C. s. 653(c)(4), the department, as the state agency administering Titles IV-B and IV-E of the act, shall be provided access to the federal and state parent locator service for diligent search activities.

(7) Any agency contacted by petitioner with a request for information pursuant to subsection (6) shall release the requested information to the petitioner without the necessity of a subpoena or court order.

(8) If the inquiry and diligent search identifies a prospective parent, that person must be given the opportunity to become a party to the proceedings by completing a sworn affidavit of parenthood and filing it with the court or the department. A prospective parent who files a sworn affidavit of parenthood while the child is a dependent child but no later than at the time of or ~~before~~ prior to the adjudicatory hearing in the termination of parental rights proceeding for the child shall be considered a parent for all purposes under this section. If the prospective parent does not file a sworn affidavit of parenthood or if the other parent contests the determination of parenthood, the court may, after considering the best interests of the child, order scientific testing to determine the maternity or paternity of the child. The court

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shall assess the cost of the paternity determination as a cost of litigation. If the court finds the prospective parent to be a parent as a result of the scientific testing, the court shall enter a judgment of maternity or paternity, shall assess the cost of the scientific testing to the parent, and shall enter an amount of child support to be paid by the parent as determined under s. 61.30. If the known parent contests the recognition of the prospective parent as a parent, the prospective parent shall not be recognized as a parent until proceedings to establish paternity have been concluded. However, the prospective parent shall continue to receive notice of hearings as a participant until proceedings to establish paternity have been concluded.

(9) If the diligent search under subsection (5) fails to identify and locate a prospective parent, the court shall so find and may proceed without further notice.

Section 19. Paragraph (1) of subsection (1) of section 39.806, Florida Statutes, is amended, and subsections (2) and (3) are republished, to read:

39.806 Grounds for termination of parental rights.—

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(1) On three or more occasions the child or another child of the parent or parents has been placed in out-of-home care pursuant to this chapter or the law of any state, territory, or jurisdiction of the United States which is substantially similar to this chapter, and the conditions that led to the child's out-of-home placement were caused by the parent or parents.

(2) Reasonable efforts to preserve and reunify families are not required if a court of competent jurisdiction has determined

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that any of the events described in paragraphs (1)(b)-(d) or paragraphs (1)(f)-(m) have occurred.

(3) If a petition for termination of parental rights is filed under subsection (1), a separate petition for dependency need not be filed and the department need not offer the parents a case plan having a goal of reunification, but may instead file with the court a case plan having a goal of termination of parental rights to allow continuation of services until the termination is granted or until further orders of the court are issued.

Section 20. Subsection (6) of section 39.811, Florida Statutes, is amended to read:

39.811 Powers of disposition; order of disposition.—

(6) The parental rights of one parent may be severed without severing the parental rights of the other parent only under the following circumstances:

(a) If the child has only one surviving parent;

(b) If the identity of a prospective parent has been established as unknown after sworn testimony;

(c) If the parent whose rights are being terminated became a parent through a single-parent adoption;

(d) If the protection of the child demands termination of the rights of a single parent; or

(e) If the parent whose rights are being terminated meets any of the criteria specified in s. 39.806(1)(c), (d), (f), (g), (h), (i), (j), (k), (l), (m), or (n) ~~and (f)-(m)~~.

Section 21. Paragraph (b) of subsection (4) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district;

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council; powers, duties, and functions; public records exemption.—

(4)

(b)1.a. Notwithstanding paragraph (a), the governing body of the county shall submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate in the general election according to the following schedule:

(I) For a district in existence on July 1, 2010, and serving a county with a population of 400,000 or fewer persons as of that date.....2014.

(II) For a district in existence on July 1, 2010, and serving a county with a population of 2 million or more persons as of that date, unless the governing body of the county has previously submitted such question voluntarily to the electorate for a second time since 2005,.....2020.

b. A referendum by the electorate on or after July 1, 2010, creating a new district with taxing authority may specify that the district is not subject to reauthorization or may specify the number of years for which the initial authorization shall remain effective. If the referendum does not prescribe terms of reauthorization, the governing body of the county shall submit the question of retention or dissolution of the district to the electorate in the general election 12 years after the initial authorization.

2. The governing body of the district may specify, and submit to the governing body of the county no later than 9 months before the scheduled election, that the district is not subsequently subject to reauthorization or may specify the

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number of years for which a reauthorization under this paragraph shall remain effective. If the governing body of the district makes such specification and submission, the governing body of the county shall include that information in the question submitted to the electorate. If the governing body of the district does not specify and submit such information, the governing body of the county shall resubmit the question of reauthorization to the electorate every 12 years after the year prescribed in subparagraph 1. The governing body of the district may recommend to the governing body of the county language for the question submitted to the electorate.

3. Nothing in this paragraph limits the authority to dissolve a district as provided under paragraph (a).

4. Nothing in this paragraph precludes the governing body of a district from requesting that the governing body of the county submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate at a date earlier than the year prescribed in subparagraph 1. If the governing body of the county accepts the request and submits the question to the electorate, the governing body satisfies the requirement of that subparagraph.

If any district is dissolved pursuant to this subsection, each county must first obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the district within the total millage available to the county governing body for all county and municipal purposes as provided for under s. 9, Art. VII of the State Constitution. Any district may also be dissolved pursuant to part VII of chapter 189.

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Section 22. Paragraph (g) of subsection (4) of section 395.3025, Florida Statutes, is amended, and subsection (8) of that section is republished, to read:

395.3025 Patient and personnel records; copies; examination.—

(4) Patient records are confidential and must not be disclosed without the consent of the patient or his or her legal representative, but appropriate disclosure may be made without such consent to:

(g) The Department of Children and Families, ~~or~~ its agent, or its contracted entity, for the purpose of investigations of or services for cases of abuse, neglect, or exploitation of children or vulnerable adults.

(8) Patient records at hospitals and ambulatory surgical centers are exempt from disclosure under s. 119.07(1), except as provided by subsections (1)-(5).

Section 23. Subsections (2) and (6) of section 402.40, Florida Statutes, are amended to read:

402.40 Child welfare training and certification.—

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

(a) "Child welfare certification" means a professional credential awarded by a department-approved third-party credentialing entity to individuals demonstrating core competency in any child welfare practice area.

(b) "Child welfare services" means any intake, protective investigations, preprotective services, protective services, foster care, shelter and group care, and adoption and related services program, including supportive services and supervision

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provided to children who are alleged to have been abused, abandoned, or neglected or who are at risk of becoming, are alleged to be, or have been found dependent pursuant to chapter 39.

(c) "Child welfare trainer" means any person providing training for the purposes of child welfare professionals earning certification.

(d) ~~(e)~~ "Core competency" means the minimum knowledge, skills, and abilities necessary to carry out work responsibilities.

(e) ~~(d)~~ "Person providing child welfare services" means a person who has a responsibility for supervisory, direct care, or support-related work in the provision of child welfare services pursuant to chapter 39.

(f) ~~(e)~~ "Preservice curriculum" means the minimum statewide training content based upon the core competencies which is made available to all persons providing child welfare services.

(g) ~~(f)~~ "Third-party credentialing entity" means a department-approved nonprofit organization that has met nationally recognized standards for developing and administering professional certification programs.

(6) ADOPTION OF RULES.—The Department of Children and Families shall adopt rules necessary to carry out ~~the provisions of this section~~, including the requirements for child welfare trainers.

Section 24. Section 409.992, Florida Statutes, is amended to read:

409.992 Lead agency expenditures.—

(1) The procurement of commodities or contractual services

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by lead agencies shall be governed by the financial guidelines developed by the department and must comply with applicable state and federal law and follow good business practices. Pursuant to s. 11.45, the Auditor General may provide technical advice in the development of the financial guidelines.

(2) Notwithstanding any other provision of law, a community-based care lead agency may make expenditures for staff cellular telephone allowances, contracts requiring deferred payments and maintenance agreements, security deposits for office leases, related agency professional membership dues other than personal professional membership dues, promotional materials, and grant writing services. Expenditures for food and refreshments, other than those provided to clients in the care of the agency or to foster parents, adoptive parents, and caseworkers during training sessions, are not allowable.

(3) Notwithstanding any other provision of law, a community-based care lead agency administrative employee may not receive a salary, whether base pay or base pay combined with any bonus or incentive payments, in excess of the salary paid to the secretary of the Department of Children and Families from state-appropriated funds, including state-appropriated federal funds. This subsection does not prohibit any party from providing cash that is not from appropriated state funds to a community-based care lead agency administrative employee.

~~(4)(3)~~ A lead community-based care agency and its subcontractors are exempt from state travel policies as provided in s. 112.061(3)(a) for their travel expenses incurred in order to comply with the requirements of this section.

Section 25. Paragraph (a) of subsection (7) of section

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456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(7) (a) Except as otherwise provided in this section and in s. 440.13(4)(c), such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient, the patient's legal representative, or other health care practitioners and providers involved in the patient's care or treatment, except upon written authorization from the patient. However, such records may be furnished without written authorization under the following circumstances:

1. To any person, firm, or corporation that has procured or furnished such care or treatment with the patient's consent.

2. When compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff.

3. In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or the patient's legal representative by the party seeking such records.

4. For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient or provided written permission is received from the patient or the patient's legal representative.

5. To a regional poison control center for purposes of treating a poison episode under evaluation, case management of

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poison cases, or compliance with data collection and reporting requirements of s. 395.1027 and the professional organization that certifies poison control centers in accordance with federal law.

6. To the Department of Children and Families, its agent, or its contracted entity, for the purpose of investigations of or services for cases of abuse, neglect, or exploitation of children or vulnerable adults.

Section 26. Section 409.141, Florida Statutes, is repealed.

Section 27. Section 409.1677, Florida Statutes, is repealed.

Section 28. Subsection (1) of section 39.524, Florida Statutes, is amended to read:

39.524 Safe-harbor placement.—

(1) Except as provided in s. 39.407 or s. 985.801, a dependent child 6 years of age or older who has been found to be a victim of sexual exploitation as defined in s. 39.01 ~~s. 39.01(70)(g)~~ must be assessed for placement in a safe house or safe foster home as provided in s. 409.1678 using the initial screening and assessment instruments provided in s. 409.1754(1). If such placement is determined to be appropriate for the child as a result of this assessment, the child may be placed in a safe house or safe foster home, if one is available. However, the child may be placed in another setting, if the other setting is more appropriate to the child's needs or if a safe house or safe foster home is unavailable, as long as the child's behaviors are managed so as not to endanger other children served in that setting.

Section 29. Paragraph (p) of subsection (4) of section

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394.495, Florida Statutes, is amended to read:

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

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

(p) Trauma-informed services for children who have suffered sexual exploitation as defined in s. 39.01 ~~s. 39.01(70)(g)~~.

Section 30. Paragraph (c) of subsection (1) and paragraphs (a) and (b) of subsection (6) of section 409.1678, Florida Statutes, are amended to read:

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

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

(c) "Sexually exploited child" means a child who has suffered sexual exploitation as defined in s. 39.01 ~~s. 39.01(70)(g)~~ and is ineligible for relief and benefits under the federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101 et seq.

(6) LOCATION INFORMATION.—

(a) Information about the location of a safe house, safe foster home, or other residential facility serving victims of sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~, which is held by an agency, as defined in s. 119.011, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such confidential and exempt information held by an agency before, on, or after the effective date of the exemption.

(b) Information about the location of a safe house, safe foster home, or other residential facility serving victims of

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sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~, may be provided to an agency, as defined in s. 119.011, as necessary to maintain health and safety standards and to address emergency situations in the safe house, safe foster home, or other residential facility.

Section 31. Subsection (5) of section 960.065, Florida Statutes, is amended to read:

960.065 Eligibility for awards.—

(5) A person is not ineligible for an award pursuant to paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that person is a victim of sexual exploitation of a child as defined in s. 39.01 ~~s. 39.01(70)(g)~~.

Section 32. Section 409.1679, Florida Statutes, is amended to read:

409.1679 Additional requirements; reimbursement methodology.—

(1) Each program established under s. 409.1676 ~~ss. 409.1676 and 409.1677~~ must meet the following expectations, which must be included in its contracts with the department or lead agency:

(a) No more than 10 percent of the children served may move from one living environment to another, unless the child is returned to family members or is moved, in accordance with the treatment plan, to a less-restrictive setting. Each child must have a comprehensive transitional plan that identifies the child's living arrangement upon leaving the program and specific steps and services that are being provided to prepare for that arrangement. Specific expectations as to the time period necessary for the achievement of these permanency goals must be included in the contract.

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(b) Each child must receive a full academic year of appropriate educational instruction. No more than 10 percent of the children may be in more than one academic setting in an academic year, unless the child is being moved, in accordance with an educational plan, to a less-restrictive setting. Each child must demonstrate academic progress and must be performing at grade level or at a level commensurate with a valid academic assessment.

(c) Siblings must be kept together in the same living environment 100 percent of the time, unless that is determined by the provider not to be in the children's best interest. When siblings are separated in placement, the decision must be reviewed and approved by the court within 30 days.

(d) The program must experience a caregiver turnover rate and an incidence of child runaway episodes which are at least 50 percent below the rates experienced in the rest of the state.

(e) In addition to providing a comprehensive assessment, the program must provide, 100 percent of the time, any or all of the following services that are indicated through the assessment: residential care; transportation; behavioral health services; recreational activities; clothing, supplies, and miscellaneous expenses associated with caring for these children; necessary arrangements for or provision of educational services; and necessary and appropriate health and dental care.

(f) The children who are served in this program must be satisfied with the services and living environment.

(g) The caregivers must be satisfied with the program.

(2) ~~Notwithstanding the provisions of s. 409.141,~~ The Department of Children and Families shall fairly and reasonably

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1799 reimburse the programs established under s. 409.1676 ~~ss-~~
 1800 ~~409.1676 and 409.1677~~ based on a prospective per diem rate,
 1801 which must be specified annually in the General Appropriations
 1802 Act. Funding for these programs shall be made available from
 1803 resources appropriated and identified in the General
 1804 Appropriations Act.

1805 Section 33. Subsection (11) of section 1002.3305, Florida
 1806 Statutes, is amended to read:

1807 1002.3305 College-Preparatory Boarding Academy Pilot
 1808 Program for at-risk students.-

1809 (11) STUDENT HOUSING.-Notwithstanding s. 409.176 ~~ss-~~
 1810 ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an
 1811 operator may house and educate dependent, at-risk youth in its
 1812 residential school for the purpose of facilitating the mission
 1813 of the program and encouraging innovative practices.

1814 Section 34. For the purpose of incorporating the amendment
 1815 made by this act to section 456.057, Florida Statutes, in a
 1816 reference thereto, subsection (2) of section 483.181, Florida
 1817 Statutes, is reenacted to read:

1818 483.181 Acceptance, collection, identification, and
 1819 examination of specimens.-

1820 (2) The results of a test must be reported directly to the
 1821 licensed practitioner or other authorized person who requested
 1822 it, and appropriate disclosure may be made by the clinical
 1823 laboratory without a patient's consent to other health care
 1824 practitioners and providers involved in the care or treatment of
 1825 the patient as specified in s. 456.057(7)(a). The report must
 1826 include the name and address of the clinical laboratory in which
 1827 the test was actually performed, unless the test was performed

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1828 in a hospital laboratory and the report becomes an integral part
 1829 of the hospital record.

1830 Section 35. This act shall take effect July 1, 2017.

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STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

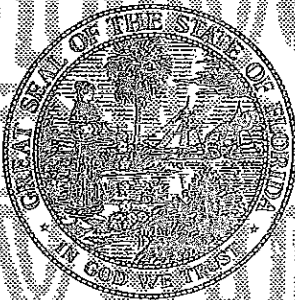
Jeffrey S. Bragg

is duly appointed

**Secretary,
Department of Elderly Affairs**

for a term beginning on the Twenty-Third day of September,
A.D., 2016, to serve at the pleasure of the Governor and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twentieth day of October, A.D., 2016.*



Ken Detzner

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
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DIVISION OF ELECTIONS
SECRETARY OF STATE

September 21, 2016

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under Section 20.41, Florida Statutes.

Mr. Jeffrey Bragg
573 Channel Court
Palm Harbor, Florida 34684

as the Secretary of the Department of Elder Affairs, subject to confirmation by the Senate. This appointment is effective for a term beginning September 23, 2016, and ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/aa

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

2016 OCT 19 AM 8:11

STATE OF FLORIDA

County of Leon

DEPT. OF STATE
TALLAHASSEE, FL

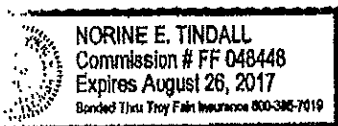
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Secretary Department of Elder Affairs

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]



Signature

Sworn to and subscribed before me this 10th day of October, 2016.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR

Produced Identification ☒

Type of Identification Produced Florida Drivers License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

4040 Esplanade Way

Street or Post Office Box

Tallahassee FL 32399

City, State, Zip Code

Jeffrey S. Bragg

Print name as you desire commission issued

Signature