

By Senator Garcia

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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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146 proceeding to be the father of the child.

147 (50)(49) "Parent" means a woman who gives birth to a child  
148 and a man whose consent to the adoption of the child would be  
149 required under s. 63.062(1). "Parent" also means a man married  
150 to the mother at the time of conception or birth of their child,  
151 unless paternity has been otherwise determined by a court of  
152 competent jurisdiction. If no man was married to the mother at  
153 the time of birth or conception of the child, the term "legal  
154 father" means a man named on the birth certificate of the child  
155 pursuant to s. 382.013(2), a man determined by court order to be  
156 the father of the child, or a man determined by an  
157 administrative proceeding to be the father of the child. If a  
158 child has been legally adopted, the term "parent" means the  
159 adoptive mother or father of the child. For purposes of this  
160 chapter only, when the phrase "parent or legal custodian" is  
161 used, it refers to rights or responsibilities of the parent and,  
162 only if there is no living parent with intact parental rights,  
163 to the rights or responsibilities of the legal custodian who has  
164 assumed the role of the parent. The term does not include an  
165 individual whose parental relationship to the child has been  
166 legally terminated, or an alleged or prospective parent, unless:

167 (a) The parental status falls within the terms of s.  
168 39.503(1) or s. 63.062(1); or

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

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

173 39.201 Mandatory reports of child abuse, abandonment, or  
174 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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233 collateral contacts, which may include other professionals. The  
234 department's child protection investigators are hereby  
235 designated a criminal justice agency for the purpose of  
236 accessing criminal justice information to be used for enforcing  
237 this state's laws concerning the crimes of child abuse,  
238 abandonment, and neglect. This information shall be used solely  
239 for purposes supporting the detection, apprehension,  
240 prosecution, pretrial release, posttrial release, or  
241 rehabilitation of criminal offenders or persons accused of the  
242 crimes of child abuse, abandonment, or neglect and may not be  
243 further disseminated or used for any other purpose.

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

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

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262 out-of-home plan, or a combination of both. A safety plan may  
263 include tasks or responsibilities for a parent, caregiver, or  
264 legal custodian. However, a safety plan may not rely on  
265 promissory commitments by the parent, caregiver, or legal  
266 custodian who is currently not able to protect the child or on  
267 services that are not available or will not result in the safety  
268 of the child. A safety plan may not be implemented if for any  
269 reason the parents, guardian, or legal custodian lacks the  
270 capacity or ability to comply with the plan. If the department  
271 is not able to develop a plan that is specific, sufficient,  
272 feasible, and sustainable, the department shall file a shelter  
273 petition. A child protective investigator shall implement  
274 separate safety plans for the perpetrator of domestic violence,  
275 if the investigator is able to locate the perpetrator to  
276 implement a safety plan, and for the parent who is a victim of  
277 domestic violence as defined in s. 741.28. Reasonable efforts to  
278 locate a perpetrator include, but are not limited to, a diligent  
279 search pursuant to the same requirements as in s. 39.503. If the  
280 perpetrator of domestic violence is not the parent, guardian, or  
281 legal custodian of any child in the home and if the department  
282 does not intend to file a shelter petition or dependency  
283 petition that will assert allegations against the perpetrator as  
284 a parent of a child in the home ~~the child~~, the child protective  
285 investigator shall seek issuance of an injunction authorized by  
286 s. 39.504 to implement a safety plan for the perpetrator and  
287 impose any other conditions to protect the child. The safety  
288 plan for the parent who is a victim of domestic violence may not  
289 be shared with the perpetrator. If any party to a safety plan  
290 fails to comply with the safety plan resulting in the child

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291 being unsafe, the department shall file a shelter petition.

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

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

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

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

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

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

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

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

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320 lead agency shall monitor the implementation.

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

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

329 39.302 Protective investigations of institutional child  
330 abuse, abandonment, or neglect.—

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

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

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

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

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

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

387 Section 5. Paragraph (c) of subsection (8) of section  
388 39.402, Florida Statutes, is amended to read:

389 39.402 Placement in a shelter.—

390 (8)

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

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

395 2. Inform the parents or legal custodians of their right to  
396 counsel to represent them at the shelter hearing and at each  
397 subsequent hearing or proceeding, and the right of the parents  
398 to appointed counsel, pursuant to the procedures set forth in s.  
399 39.013; ~~and~~

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

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

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

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

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

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

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

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

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

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

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

432 39.503 Identity or location of parent unknown; special  
433 procedures.—

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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494 the best interest of the child, order scientific testing to  
495 determine the maternity or paternity of the child. The court  
496 shall assess the cost of the maternity or paternity  
497 determination as a cost of litigation. If the court finds the  
498 prospective parent to be a parent as a result of the scientific  
499 testing, the court shall enter a judgment of maternity or  
500 paternity, shall assess the cost of the scientific testing to  
501 the parent, and shall enter an amount of child support to be  
502 paid by the parent as determined under s. 61.30. If the known  
503 parent contests the recognition of the prospective parent as a  
504 parent, the prospective parent shall not be recognized as a  
505 parent until proceedings to determine maternity or paternity  
506 under ~~chapter 742~~ have been concluded. However, the prospective  
507 parent shall continue to receive notice of hearings as a  
508 participant until pending results of the ~~chapter 742~~ proceedings  
509 to determine maternity or paternity have been concluded.

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

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

515 39.504 Injunction ~~pending disposition of petition;~~  
516 penalty.-

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

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

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

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

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

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

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

- 571 1. Refrain from further abuse or acts of domestic violence.
- 572 2. Participate in a specialized treatment program.
- 573 3. Limit contact or communication with the child victim,  
574 other children in the home, or any other child.
- 575 4. Refrain from contacting the child at home, school, work,  
576 or wherever the child may be found.
- 577 5. Have limited or supervised visitation with the child.
- 578 6. Vacate the home in which the child resides.
- 579 7. Comply with the terms of a safety plan implemented in  
580 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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755 including the mental health court program or the treatment-based  
756 drug court program, may oversee the progress and compliance with  
757 treatment by a person who has custody or is requesting custody  
758 of the child. The court may impose appropriate available  
759 sanctions for noncompliance upon a person who has custody or is  
760 requesting custody of the child or make a finding of  
761 noncompliance for consideration in determining whether an  
762 alternative placement of the child is in the child's best  
763 interests. Any order entered under this subparagraph may be made  
764 only upon good cause shown. This subparagraph does not authorize  
765 placement of a child with a person seeking custody of the child,  
766 other than the child's parent or legal custodian, who requires  
767 mental health or substance abuse disorder treatment.

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

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

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

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

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

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

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

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

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

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

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

844

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

927 (e) An assessment of the parent's behavioral, emotional,  
928 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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1045       ~~(t) If placement of the child with anyone other than the~~  
1046 ~~child's parent is being considered, the predisposition study~~  
1047 ~~shall include the designation of a specific length of time as to~~  
1048 ~~when custody by the parent will be reconsidered.~~

1049  
1050 Any other relevant and material evidence, including other  
1051 written or oral reports, may be received by the court in its  
1052 effort to determine the action to be taken with regard to the  
1053 child and may be relied upon to the extent of its probative  
1054 value, even though not competent in an adjudicatory hearing.  
1055 Except as otherwise specifically provided, nothing in this  
1056 section prohibits the publication of proceedings in a hearing.

1057       (6) With respect to a child who is the subject in  
1058 proceedings under this chapter, the court may issue to the  
1059 department an order to show cause why it should not return the  
1060 child to the custody of the parents upon the presentation of  
1061 evidence that the conditions for return of the child have been  
1062 met ~~expiration of the case plan, or sooner if the parents have~~  
1063 ~~substantially complied with the case plan.~~

1064       (7) The court may enter an order ending its jurisdiction  
1065 over a child when a child has been returned to the parents,  
1066 provided the court shall not terminate its jurisdiction or the  
1067 department's supervision over the child until 6 months after the  
1068 child's return. The department shall supervise the placement of  
1069 the child after reunification for at least 6 months with each  
1070 parent or legal custodian from whom the child was removed. The  
1071 court shall determine whether its jurisdiction should be  
1072 continued or terminated in such a case based on a report of the  
1073 department or agency or the child's guardian ad litem, and any

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1074 other relevant factors; if its jurisdiction is to be terminated,  
1075 the court shall enter an order to that effect.

1076 Section 11. Subsections (2) and (3) of section 39.522,  
1077 Florida Statutes, are amended to read:

1078 39.522 Postdisposition change of custody.—The court may  
1079 change the temporary legal custody or the conditions of  
1080 protective supervision at a postdisposition hearing, without the  
1081 necessity of another adjudicatory hearing.

1082 (2) In cases where the issue before the court is whether a  
1083 child should be reunited with a parent, the court shall review  
1084 the conditions for return and determine whether the  
1085 circumstances that caused the out-of-home placement and issues  
1086 subsequently identified have been remedied ~~parent has~~  
1087 ~~substantially complied with the terms of the case plan to the~~  
1088 ~~extent that the return of the child to the home with an in-home~~  
1089 ~~safety plan prepared or approved by the department will not be~~  
1090 ~~detrimental to the child's safety, well-being, and physical,~~  
1091 ~~mental, and emotional health of the child is not endangered by~~  
1092 ~~the return of the child to the home.~~

1093 (3) In cases where the issue before the court is whether a  
1094 child who is placed in the custody of a parent should be  
1095 reunited with the other parent upon a finding that the  
1096 circumstances that caused the out-of-home placement and issues  
1097 subsequently identified have been remedied to the extent that  
1098 the return of the child to the home of the other parent with an  
1099 in-home safety plan prepared or approved by the department will  
1100 not be detrimental to the child ~~of substantial compliance with~~  
1101 ~~the terms of the case plan,~~ the standard shall be that the  
1102 safety, well-being, and physical, mental, and emotional health

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1103 of the child would not be endangered by reunification and that  
1104 reunification would be in the best interest of the child.

1105 Section 12. Section 39.523, Florida Statutes, is amended to  
1106 read:

1107 (Substantial rewording of section. See  
1108 39.523, F.S., for present text.)

1109 39.523 Placement in out-of-home care.—The Legislature finds  
1110 that it is a basic tenet of child welfare practice and the law  
1111 that children be placed in the least restrictive, most family-  
1112 like setting available in close proximity to the home of their  
1113 parents, consistent with the best interests and needs of the  
1114 child, and that children be placed in permanent homes in a  
1115 timely manner.

1116 (1) When any child is removed from the home and placed into  
1117 out-of-home care, an assessment shall be completed to determine  
1118 the best placement option to meet the child's immediate and  
1119 ongoing services and support needs. Each child in out-of-home  
1120 care must be assessed by a trauma-informed qualified clinician  
1121 using an evidence-based assessment tool within the first 30 days  
1122 of the child's coming into care to determine whether the child's  
1123 needs can be met with family members or in a family foster home  
1124 and, if not, which type of foster care placement setting would  
1125 provide a more effective and appropriate level of care.

1126 (2) The assessment and any placement decision must be done  
1127 in conjunction with a permanency team that must be established  
1128 by the department or the community-based care lead agency that  
1129 places children pursuant to this section and is dedicated to  
1130 overcoming the permanency challenges occurring for children in  
1131 out-of-home care. The team must include a representative from

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1132 the community-based care lead agency, the caseworker for the  
1133 child, the out-of-home care provider, the guardian ad litem if  
1134 one has been appointed, any provider of services to the child,  
1135 teachers, clergy, relatives, fictive kin, and all appropriate  
1136 biological family members.

1137 (3) The permanency team shall convene a multidisciplinary  
1138 staffing every 180 calendar days, to coincide with the judicial  
1139 review, to reassess the appropriateness of the child's current  
1140 placement. The multidisciplinary staffing shall consider, at a  
1141 minimum, the current level of the child's functioning, whether  
1142 recommended services are being provided effectively, any  
1143 services that would enable transition to a less restrictive  
1144 family-like setting, and diligent efforts to find other  
1145 permanent living arrangements for the child.

1146 (4) The department shall document initial placement  
1147 assessments in the Florida Safe Families Network.

1148 (5) If it is determined during the preplacement evaluation  
1149 that residential treatment as defined in s. 39.407 would be  
1150 suitable for the child, the procedures in that section must be  
1151 followed.

1152 (6) Within 60 days after a placement of a child in out-of-  
1153 home care, a court must review the assessment and placement  
1154 decision and approve or disapprove the placement. At each  
1155 subsequent judicial review, the department shall demonstrate why  
1156 the placement is in the least restrictive setting. If the child  
1157 has been placed in group care with a residential child-caring  
1158 agency, the department must demonstrate why the child cannot be  
1159 placed with a relative or nonrelative or in a family foster  
1160 home, must demonstrate why the placement in group care with a



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1161 residential child-caring agency continues to be necessary and  
1162 consistent with the child's short-term and long-term goals, and  
1163 must document efforts to help the child transition to a more  
1164 family-like setting.

1165 (7) By October 1 of each year, the department shall report  
1166 to the Governor, the President of the Senate, and the Speaker of  
1167 the House of Representatives on the placement of children in  
1168 out-of-home care, including placements with relatives and  
1169 nonrelatives, family foster homes, and residential group care  
1170 during the year. At a minimum, the report must include, by  
1171 community-based care lead agency:

1172 (a) The number of children placed with relatives and  
1173 nonrelatives, in family foster homes, and in residential group  
1174 care.

1175 (b) An inventory of available services that are necessary  
1176 to maintain children in the least restrictive settings and a  
1177 plan for filling any identified gap in those services.

1178 (c) The number of children who were placed based upon the  
1179 assessment.

1180 (d) An inventory of existing placements for children by  
1181 type and by community-based care lead agency.

1182 (e) The strategies being used by community-based care lead  
1183 agencies to recruit, train, and support an adequate number of  
1184 families to provide home-based family care.

1185 (f) For every placement of a child made that is contrary to  
1186 an appropriate placement as determined by the assessment process  
1187 in this section, an explanation from the community-based care  
1188 lead agency as to why the placement was made.

1189 Section 13. Subsection (1) of section 39.6011, Florida

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1190 Statutes, is amended to read:

1191 39.6011 Case plan development.—

1192 (1) The department shall prepare a draft of the case plan  
1193 for each child receiving services under this chapter. A parent  
1194 of a child may not be threatened or coerced with the loss of  
1195 custody or parental rights for failing to admit in the case plan  
1196 of abusing, neglecting, or abandoning a child. Participating in  
1197 the development of a case plan is not an admission to any  
1198 allegation of abuse, abandonment, or neglect, and it is not a  
1199 consent to a finding of dependency or termination of parental  
1200 rights. The case plan shall be developed subject to the  
1201 following requirements:

1202 (a) The case plan must be developed in a face-to-face  
1203 conference with the parent of the child, any court-appointed  
1204 guardian ad litem, and, if appropriate, the child and the  
1205 temporary custodian of the child.

1206 (b) Notwithstanding s. 39.202, the department may discuss  
1207 confidential information during the case planning conference in  
1208 the presence of individuals who participate in the conference.  
1209 All individuals who participate in the conference shall maintain  
1210 the confidentiality of all information shared during the case  
1211 planning conference.

1212 (c) ~~(b)~~ The parent may receive assistance from any person or  
1213 social service agency in preparing the case plan. The social  
1214 service agency, the department, and the court, when applicable,  
1215 shall inform the parent of the right to receive such assistance,  
1216 including the right to assistance of counsel.

1217 (d) ~~(e)~~ If a parent is unwilling or unable to participate in  
1218 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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1335           7. The guardian ad litem for the child or the  
1336 representative of the guardian ad litem program, if the program  
1337 has been appointed.

1338  
1339 The document containing the notice to respond or appear must  
1340 contain, in type at least as large as the type in the balance of  
1341 the document, the following or substantially similar language:  
1342 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING  
1343 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF  
1344 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND  
1345 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE  
1346 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS  
1347 NOTICE."

1348           (b) If a party required to be served with notice as  
1349 prescribed in paragraph (a) cannot be served, notice of hearings  
1350 must be given as prescribed by the rules of civil procedure, and  
1351 service of process must be made as specified by law or civil  
1352 actions.

1353           (c) Notice as prescribed by this section may be waived, in  
1354 the discretion of the judge, with regard to any person to whom  
1355 notice must be given under this subsection if the person  
1356 executes, before two witnesses and a notary public or other  
1357 officer authorized to take acknowledgments, a written surrender  
1358 of the child to a licensed child-placing agency or the  
1359 department.

1360           (d) If the person served with notice under this section  
1361 fails to personally appear at the advisory hearing, the failure  
1362 to personally appear shall constitute consent for termination of  
1363 parental rights by the person given notice. If a parent appears

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1364 for the advisory hearing and the court orders that parent to  
1365 personally appear at the adjudicatory hearing for the petition  
1366 for termination of parental rights, stating the date, time, and  
1367 location of said hearing, then failure of that parent to  
1368 personally appear at the adjudicatory hearing shall constitute  
1369 consent for termination of parental rights.

1370 Section 18. Section 39.803, Florida Statutes, is amended,  
1371 to read:

1372 39.803 Identity or location of parent unknown after filing  
1373 of termination of parental rights petition; special procedures.-

1374 (1) If the identity or location of a parent is unknown and  
1375 a petition for termination of parental rights is filed, the  
1376 court shall conduct under oath the following inquiry of the  
1377 parent who is available, or, if no parent is available, of any  
1378 relative, caregiver, or legal custodian of the child who is  
1379 present at the hearing and likely to have the information:

1380 (a) Whether the mother of the child was married at the  
1381 probable time of conception of the child or at the time of birth  
1382 of the child.

1383 (b) Whether the mother was cohabiting with a male at the  
1384 probable time of conception of the child.

1385 (c) Whether the mother has received payments or promises of  
1386 support with respect to the child or because of her pregnancy  
1387 from a man who claims to be the father.

1388 (d) Whether the mother has named any man as the father on  
1389 the birth certificate of the child or in connection with  
1390 applying for or receiving public assistance.

1391 (e) Whether any man has acknowledged or claimed paternity  
1392 of the child in a jurisdiction in which the mother resided at



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1393 the time of or since conception of the child, or in which the  
1394 child has resided or resides.

1395 (f) Whether a man is named on the birth certificate of the  
1396 child pursuant to s. 382.013(2).

1397 (g) Whether a man has been determined by a court order to  
1398 be the father of the child.

1399 (h) Whether a man has been determined by an administrative  
1400 proceeding to be the father of the child.

1401 (2) The information required in subsection (1) may be  
1402 supplied to the court or the department in the form of a sworn  
1403 affidavit by a person having personal knowledge of the facts.

1404 (3) If the inquiry under subsection (1) identifies any  
1405 person as a parent or prospective parent, the court shall  
1406 require notice of the hearing to be provided to that person.

1407 (4) If the inquiry under subsection (1) fails to identify  
1408 any person as a parent or prospective parent, the court shall so  
1409 find and may proceed without further notice.

1410 (5) If the inquiry under subsection (1) identifies a parent  
1411 or prospective parent, and that person's location is unknown,  
1412 the court shall direct the petitioner to conduct a diligent  
1413 search for that person before scheduling an adjudicatory hearing  
1414 regarding the petition for termination of parental rights to the  
1415 child unless the court finds that the best interest of the child  
1416 requires proceeding without actual notice to the person whose  
1417 location is unknown.

1418 (6) The diligent search required by subsection (5) must  
1419 include, at a minimum, inquiries of all known relatives of the  
1420 parent or prospective parent, inquiries of all offices of  
1421 program areas of the department likely to have information about

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1422 the parent or prospective parent, inquiries of other state and  
1423 federal agencies likely to have information about the parent or  
1424 prospective parent, inquiries of appropriate utility and postal  
1425 providers, a thorough search of at least one electronic database  
1426 specifically designed for locating persons, a search of the  
1427 Florida Putative Father Registry, and inquiries of appropriate  
1428 law enforcement agencies. Pursuant to s. 453 of the Social  
1429 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the  
1430 state agency administering Titles IV-B and IV-E of the act,  
1431 shall be provided access to the federal and state parent locator  
1432 service for diligent search activities.

1433 (7) Any agency contacted by petitioner with a request for  
1434 information pursuant to subsection (6) shall release the  
1435 requested information to the petitioner without the necessity of  
1436 a subpoena or court order.

1437 (8) If the inquiry and diligent search identifies a  
1438 prospective parent, that person must be given the opportunity to  
1439 become a party to the proceedings by completing a sworn  
1440 affidavit of parenthood and filing it with the court or the  
1441 department. A prospective parent who files a sworn affidavit of  
1442 parenthood while the child is a dependent child but no later  
1443 than at the time of or before ~~prior to~~ the adjudicatory hearing  
1444 in the termination of parental rights proceeding for the child  
1445 shall be considered a parent for all purposes under this  
1446 section. If the prospective parent does not file a sworn  
1447 affidavit of parenthood or if the other parent contests the  
1448 determination of parenthood, the court may, after considering  
1449 the best interests of the child, order scientific testing to  
1450 determine the maternity or paternity of the child. The court

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1451 shall assess the cost of the paternity determination as a cost  
1452 of litigation. If the court finds the prospective parent to be a  
1453 parent as a result of the scientific testing, the court shall  
1454 enter a judgment of maternity or paternity, shall assess the  
1455 cost of the scientific testing to the parent, and shall enter an  
1456 amount of child support to be paid by the parent as determined  
1457 under s. 61.30. If the known parent contests the recognition of  
1458 the prospective parent as a parent, the prospective parent shall  
1459 not be recognized as a parent until proceedings to establish  
1460 paternity have been concluded. However, the prospective parent  
1461 shall continue to receive notice of hearings as a participant  
1462 until proceedings to establish paternity have been concluded.

1463 (9) If the diligent search under subsection (5) fails to  
1464 identify and locate a prospective parent, the court shall so  
1465 find and may proceed without further notice.

1466 Section 19. Paragraph (1) of subsection (1) of section  
1467 39.806, Florida Statutes, is amended, and subsections (2) and  
1468 (3) are republished, to read:

1469 39.806 Grounds for termination of parental rights.—

1470 (1) Grounds for the termination of parental rights may be  
1471 established under any of the following circumstances:

1472 (1) On three or more occasions the child or another child  
1473 of the parent or parents has been placed in out-of-home care  
1474 pursuant to this chapter or the law of any state, territory, or  
1475 jurisdiction of the United States which is substantially similar  
1476 to this chapter, and the conditions that led to the child's out-  
1477 of-home placement were caused by the parent or parents.

1478 (2) Reasonable efforts to preserve and reunify families are  
1479 not required if a court of competent jurisdiction has determined

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1480 that any of the events described in paragraphs (1)(b)-(d) or  
1481 paragraphs (1)(f)-(m) have occurred.

1482 (3) If a petition for termination of parental rights is  
1483 filed under subsection (1), a separate petition for dependency  
1484 need not be filed and the department need not offer the parents  
1485 a case plan having a goal of reunification, but may instead file  
1486 with the court a case plan having a goal of termination of  
1487 parental rights to allow continuation of services until the  
1488 termination is granted or until further orders of the court are  
1489 issued.

1490 Section 20. Subsection (6) of section 39.811, Florida  
1491 Statutes, is amended to read:

1492 39.811 Powers of disposition; order of disposition.—

1493 (6) The parental rights of one parent may be severed  
1494 without severing the parental rights of the other parent only  
1495 under the following circumstances:

1496 (a) If the child has only one surviving parent;

1497 (b) If the identity of a prospective parent has been  
1498 established as unknown after sworn testimony;

1499 (c) If the parent whose rights are being terminated became  
1500 a parent through a single-parent adoption;

1501 (d) If the protection of the child demands termination of  
1502 the rights of a single parent; or

1503 (e) If the parent whose rights are being terminated meets  
1504 any of the criteria specified in s. 39.806(1) (c), (d), (f), (g),  
1505 (h), (i), (j), (k), (l), (m), or (n) and ~~(f)-(m)~~.

1506 Section 21. Paragraph (b) of subsection (4) of section  
1507 125.901, Florida Statutes, is amended to read:

1508 125.901 Children's services; independent special district;

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1509 council; powers, duties, and functions; public records  
1510 exemption.—

1511 (4)

1512 (b)1.a. Notwithstanding paragraph (a), the governing body  
1513 of the county shall submit the question of retention or  
1514 dissolution of a district with voter-approved taxing authority  
1515 to the electorate in the general election according to the  
1516 following schedule:

1517 (I) For a district in existence on July 1, 2010, and  
1518 serving a county with a population of 400,000 or fewer persons  
1519 as of that date.....2014.

1520 (II) For a district in existence on July 1, 2010, and  
1521 serving a county with a population of 2 million or more persons  
1522 as of that date, unless the governing body of the county has  
1523 previously submitted such question voluntarily to the electorate  
1524 for a second time since 2005,.....2020.

1525 b. A referendum by the electorate on or after July 1, 2010,  
1526 creating a new district with taxing authority may specify that  
1527 the district is not subject to reauthorization or may specify  
1528 the number of years for which the initial authorization shall  
1529 remain effective. If the referendum does not prescribe terms of  
1530 reauthorization, the governing body of the county shall submit  
1531 the question of retention or dissolution of the district to the  
1532 electorate in the general election 12 years after the initial  
1533 authorization.

1534 2. The governing body of the district may specify, and  
1535 submit to the governing body of the county no later than 9  
1536 months before the scheduled election, that the district is not  
1537 subsequently subject to reauthorization or may specify the

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1538 number of years for which a reauthorization under this paragraph  
1539 shall remain effective. If the governing body of the district  
1540 makes such specification and submission, the governing body of  
1541 the county shall include that information in the question  
1542 submitted to the electorate. If the governing body of the  
1543 district does not specify and submit such information, the  
1544 governing body of the county shall resubmit the question of  
1545 reauthorization to the electorate every 12 years after the year  
1546 prescribed in subparagraph 1. The governing body of the district  
1547 may recommend to the governing body of the county language for  
1548 the question submitted to the electorate.

1549 3. Nothing in this paragraph limits the authority to  
1550 dissolve a district as provided under paragraph (a).

1551 4. Nothing in this paragraph precludes the governing body  
1552 of a district from requesting that the governing body of the  
1553 county submit the question of retention or dissolution of a  
1554 district with voter-approved taxing authority to the electorate  
1555 at a date earlier than the year prescribed in subparagraph 1. If  
1556 the governing body of the county accepts the request and submits  
1557 the question to the electorate, the governing body satisfies the  
1558 requirement of that subparagraph.

1559  
1560 If any district is dissolved pursuant to this subsection, each  
1561 county must first obligate itself to assume the debts,  
1562 liabilities, contracts, and outstanding obligations of the  
1563 district within the total millage available to the county  
1564 governing body for all county and municipal purposes as provided  
1565 for under s. 9, Art. VII of the State Constitution. Any district  
1566 may also be dissolved pursuant to part VII of chapter 189.

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1568 Section 22. Paragraph (g) of subsection (4) of section  
1569 395.3025, Florida Statutes, is amended, and subsection (8) of  
1570 that section is republished, to read:

1571 395.3025 Patient and personnel records; copies;  
1572 examination.—

1573 (4) Patient records are confidential and must not be  
1574 disclosed without the consent of the patient or his or her legal  
1575 representative, but appropriate disclosure may be made without  
1576 such consent to:

1577 (g) The Department of Children and Families, ~~or~~ or its agent,  
1578 or its contracted entity, for the purpose of investigations of  
1579 or services for cases of abuse, neglect, or exploitation of  
1580 children or vulnerable adults.

1581 (8) Patient records at hospitals and ambulatory surgical  
1582 centers are exempt from disclosure under s. 119.07(1), except as  
1583 provided by subsections (1)-(5).

1584 Section 23. Subsections (2) and (6) of section 402.40,  
1585 Florida Statutes, are amended to read:

1586 402.40 Child welfare training and certification.—

1587 (2) DEFINITIONS.—As used in this section, the term:

1588 (a) "Child welfare certification" means a professional  
1589 credential awarded by a department-approved third-party  
1590 credentialing entity to individuals demonstrating core  
1591 competency in any child welfare practice area.

1592 (b) "Child welfare services" means any intake, protective  
1593 investigations, preprotective services, protective services,  
1594 foster care, shelter and group care, and adoption and related  
1595 services program, including supportive services and supervision

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1596 provided to children who are alleged to have been abused,  
1597 abandoned, or neglected or who are at risk of becoming, are  
1598 alleged to be, or have been found dependent pursuant to chapter  
1599 39.

1600 (c) "Child welfare trainer" means any person providing  
1601 training for the purposes of child welfare professionals earning  
1602 certification.

1603 (d)~~(e)~~ "Core competency" means the minimum knowledge,  
1604 skills, and abilities necessary to carry out work  
1605 responsibilities.

1606 (e)~~(d)~~ "Person providing child welfare services" means a  
1607 person who has a responsibility for supervisory, direct care, or  
1608 support-related work in the provision of child welfare services  
1609 pursuant to chapter 39.

1610 (f)~~(e)~~ "Preservice curriculum" means the minimum statewide  
1611 training content based upon the core competencies which is made  
1612 available to all persons providing child welfare services.

1613 (g)~~(f)~~ "Third-party credentialing entity" means a  
1614 department-approved nonprofit organization that has met  
1615 nationally recognized standards for developing and administering  
1616 professional certification programs.

1617 (6) ADOPTION OF RULES.—The Department of Children and  
1618 Families shall adopt rules necessary to carry out ~~the provisions~~  
1619 ~~of~~ this section, including the requirements for child welfare  
1620 trainers.

1621 Section 24. Section 409.992, Florida Statutes, is amended  
1622 to read:

1623 409.992 Lead agency expenditures.—

1624 (1) The procurement of commodities or contractual services



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1625 by lead agencies shall be governed by the financial guidelines  
1626 developed by the department and must comply with applicable  
1627 state and federal law and follow good business practices.  
1628 Pursuant to s. 11.45, the Auditor General may provide technical  
1629 advice in the development of the financial guidelines.

1630 (2) Notwithstanding any other provision of law, a  
1631 community-based care lead agency may make expenditures for staff  
1632 cellular telephone allowances, contracts requiring deferred  
1633 payments and maintenance agreements, security deposits for  
1634 office leases, related agency professional membership dues other  
1635 than personal professional membership dues, promotional  
1636 materials, and grant writing services. Expenditures for food and  
1637 refreshments, other than those provided to clients in the care  
1638 of the agency or to foster parents, adoptive parents, and  
1639 caseworkers during training sessions, are not allowable.

1640 (3) Notwithstanding any other provision of law, a  
1641 community-based care lead agency administrative employee may not  
1642 receive a salary, whether base pay or base pay combined with any  
1643 bonus or incentive payments, in excess of the salary paid to the  
1644 secretary of the Department of Children and Families from state-  
1645 appropriated funds, including state-appropriated federal funds.  
1646 This subsection does not prohibit any party from providing cash  
1647 that is not from appropriated state funds to a community-based  
1648 care lead agency administrative employee.

1649 (4)~~(3)~~ A lead community-based care agency and its  
1650 subcontractors are exempt from state travel policies as provided  
1651 in s. 112.061(3)(a) for their travel expenses incurred in order  
1652 to comply with the requirements of this section.

1653 Section 25. Paragraph (a) of subsection (7) of section

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1654 456.057, Florida Statutes, is amended to read:

1655 456.057 Ownership and control of patient records; report or  
1656 copies of records to be furnished; disclosure of information.—

1657 (7) (a) Except as otherwise provided in this section and in  
1658 s. 440.13(4) (c), such records may not be furnished to, and the  
1659 medical condition of a patient may not be discussed with, any  
1660 person other than the patient, the patient's legal  
1661 representative, or other health care practitioners and providers  
1662 involved in the patient's care or treatment, except upon written  
1663 authorization from the patient. However, such records may be  
1664 furnished without written authorization under the following  
1665 circumstances:

1666 1. To any person, firm, or corporation that has procured or  
1667 furnished such care or treatment with the patient's consent.

1668 2. When compulsory physical examination is made pursuant to  
1669 Rule 1.360, Florida Rules of Civil Procedure, in which case  
1670 copies of the medical records shall be furnished to both the  
1671 defendant and the plaintiff.

1672 3. In any civil or criminal action, unless otherwise  
1673 prohibited by law, upon the issuance of a subpoena from a court  
1674 of competent jurisdiction and proper notice to the patient or  
1675 the patient's legal representative by the party seeking such  
1676 records.

1677 4. For statistical and scientific research, provided the  
1678 information is abstracted in such a way as to protect the  
1679 identity of the patient or provided written permission is  
1680 received from the patient or the patient's legal representative.

1681 5. To a regional poison control center for purposes of  
1682 treating a poison episode under evaluation, case management of

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1683 poison cases, or compliance with data collection and reporting  
1684 requirements of s. 395.1027 and the professional organization  
1685 that certifies poison control centers in accordance with federal  
1686 law.

1687 6. To the Department of Children and Families, its agent,  
1688 or its contracted entity, for the purpose of investigations of  
1689 or services for cases of abuse, neglect, or exploitation of  
1690 children or vulnerable adults.

1691 Section 26. Section 409.141, Florida Statutes, is repealed.

1692 Section 27. Section 409.1677, Florida Statutes, is  
1693 repealed.

1694 Section 28. Subsection (1) of section 39.524, Florida  
1695 Statutes, is amended to read:

1696 39.524 Safe-harbor placement.—

1697 (1) Except as provided in s. 39.407 or s. 985.801, a  
1698 dependent child 6 years of age or older who has been found to be  
1699 a victim of sexual exploitation as defined in s. 39.01 ~~s.~~  
1700 ~~39.01(70)(g)~~ must be assessed for placement in a safe house or  
1701 safe foster home as provided in s. 409.1678 using the initial  
1702 screening and assessment instruments provided in s. 409.1754(1).  
1703 If such placement is determined to be appropriate for the child  
1704 as a result of this assessment, the child may be placed in a  
1705 safe house or safe foster home, if one is available. However,  
1706 the child may be placed in another setting, if the other setting  
1707 is more appropriate to the child's needs or if a safe house or  
1708 safe foster home is unavailable, as long as the child's  
1709 behaviors are managed so as not to endanger other children  
1710 served in that setting.

1711 Section 29. Paragraph (p) of subsection (4) of section

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1712 394.495, Florida Statutes, is amended to read:

1713 394.495 Child and adolescent mental health system of care;  
1714 programs and services.—

1715 (4) The array of services may include, but is not limited  
1716 to:

1717 (p) Trauma-informed services for children who have suffered  
1718 sexual exploitation as defined in s. 39.01 ~~s. 39.01(70)(g)~~.

1719 Section 30. Paragraph (c) of subsection (1) and paragraphs  
1720 (a) and (b) of subsection (6) of section 409.1678, Florida  
1721 Statutes, are amended to read:

1722 409.1678 Specialized residential options for children who  
1723 are victims of sexual exploitation.—

1724 (1) DEFINITIONS.—As used in this section, the term:

1725 (c) "Sexually exploited child" means a child who has  
1726 suffered sexual exploitation as defined in s. 39.01 ~~s.~~  
1727 ~~39.01(70)(g)~~ and is ineligible for relief and benefits under the  
1728 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101  
1729 et seq.

1730 (6) LOCATION INFORMATION.—

1731 (a) Information about the location of a safe house, safe  
1732 foster home, or other residential facility serving victims of  
1733 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~,  
1734 which is held by an agency, as defined in s. 119.011, is  
1735 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
1736 of the State Constitution. This exemption applies to such  
1737 confidential and exempt information held by an agency before,  
1738 on, or after the effective date of the exemption.

1739 (b) Information about the location of a safe house, safe  
1740 foster home, or other residential facility serving victims of

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1741 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~, may  
1742 be provided to an agency, as defined in s. 119.011, as necessary  
1743 to maintain health and safety standards and to address emergency  
1744 situations in the safe house, safe foster home, or other  
1745 residential facility.

1746 Section 31. Subsection (5) of section 960.065, Florida  
1747 Statutes, is amended to read:

1748 960.065 Eligibility for awards.—

1749 (5) A person is not ineligible for an award pursuant to  
1750 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
1751 person is a victim of sexual exploitation of a child as defined  
1752 in s. 39.01 ~~s. 39.01(70)(g)~~.

1753 Section 32. Section 409.1679, Florida Statutes, is amended  
1754 to read:

1755 409.1679 Additional requirements; reimbursement  
1756 methodology.—

1757 (1) Each program established under s. 409.1676 ~~ss. 409.1676~~  
1758 ~~and 409.1677~~ must meet the following expectations, which must be  
1759 included in its contracts with the department or lead agency:

1760 (a) No more than 10 percent of the children served may move  
1761 from one living environment to another, unless the child is  
1762 returned to family members or is moved, in accordance with the  
1763 treatment plan, to a less-restrictive setting. Each child must  
1764 have a comprehensive transitional plan that identifies the  
1765 child's living arrangement upon leaving the program and specific  
1766 steps and services that are being provided to prepare for that  
1767 arrangement. Specific expectations as to the time period  
1768 necessary for the achievement of these permanency goals must be  
1769 included in the contract.

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1770 (b) Each child must receive a full academic year of  
1771 appropriate educational instruction. No more than 10 percent of  
1772 the children may be in more than one academic setting in an  
1773 academic year, unless the child is being moved, in accordance  
1774 with an educational plan, to a less-restrictive setting. Each  
1775 child must demonstrate academic progress and must be performing  
1776 at grade level or at a level commensurate with a valid academic  
1777 assessment.

1778 (c) Siblings must be kept together in the same living  
1779 environment 100 percent of the time, unless that is determined  
1780 by the provider not to be in the children's best interest. When  
1781 siblings are separated in placement, the decision must be  
1782 reviewed and approved by the court within 30 days.

1783 (d) The program must experience a caregiver turnover rate  
1784 and an incidence of child runaway episodes which are at least 50  
1785 percent below the rates experienced in the rest of the state.

1786 (e) In addition to providing a comprehensive assessment,  
1787 the program must provide, 100 percent of the time, any or all of  
1788 the following services that are indicated through the  
1789 assessment: residential care; transportation; behavioral health  
1790 services; recreational activities; clothing, supplies, and  
1791 miscellaneous expenses associated with caring for these  
1792 children; necessary arrangements for or provision of educational  
1793 services; and necessary and appropriate health and dental care.

1794 (f) The children who are served in this program must be  
1795 satisfied with the services and living environment.

1796 (g) The caregivers must be satisfied with the program.

1797 (2) ~~Notwithstanding the provisions of s. 409.141,~~ The  
1798 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.