

By the Committee on Children, Families, and Elder Affairs; and  
Senators Garcia and Campbell

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

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88 which grounds for the termination of parental rights  
89 may be established; amending s. 39.811, F.S.; revising  
90 circumstances under which the rights of one parent may  
91 be terminated without terminating the rights of the  
92 other parent; amending s. 125.901, F.S.; creating an  
93 exception to the requirement that, for an independent  
94 special district in existence on a certain date and  
95 serving a population of a specified size, the  
96 governing body of the county submit the question of  
97 the district's retention or dissolution to the  
98 electorate in a specified general election; amending  
99 s. 322.051, F.S., providing a requirement for an  
100 identification card for certified unaccompanied or  
101 homeless youth; amending s. 395.3025, F.S.; revising  
102 requirements for access to patient records; amending  
103 s. 402.40, F.S.; defining the term "child welfare  
104 trainer"; providing rulemaking authority; amending s.  
105 409.992, F.S.; limiting compensation from state-  
106 appropriated funds for administrative employees of  
107 community-based care agencies; amending s. 456.057,  
108 F.S.; revising requirements for access to patient  
109 records; repealing s. 409.141, F.S., relating to  
110 equitable reimbursement methodology; repealing s.  
111 409.1677, F.S., relating to model comprehensive  
112 residential services programs; amending s. 743.067,  
113 F.S.; defining the term "certified unaccompanied  
114 homeless youth"; requiring the Office on Homelessness  
115 within the Department of Children and Families to  
116 develop a standardized form to be used in the

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117 certification process; providing information that must  
118 be included in the form; authorizing a certified  
119 unaccompanied homeless youth to apply at no charge to  
120 the Department of Highway Safety and Motor Vehicles  
121 for an identification card; conforming terminology;  
122 amending s. 1009.25, F.S.; revising fee exemption  
123 requirements related to homeless students; amending  
124 ss. 39.524, 394.495, 409.1678, and 960.065, F.S.;  
125 conforming cross-references; amending ss. 409.1679 and  
126 1002.3305, F.S.; conforming provisions to changes made  
127 by the act; reenacting s. 483.181(2), F.S., relating  
128 to acceptance, collection, identification, and  
129 examination of specimens, to incorporate the amendment  
130 made to s. 456.057, F.S., in a reference thereto;  
131 providing an effective date.

132

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

134

135 Section 1. Present subsections (35) through (80) of section  
136 39.01, Florida Statutes, are redesignated as subsections (36)  
137 through (81), respectively, a new subsection (35) is added to  
138 that section, and subsections (10) and (32) and present  
139 subsection (49) of that section are amended, to read:

140 39.01 Definitions.—When used in this chapter, unless the  
141 context otherwise requires:

142 (10) "Caregiver" means the parent, legal custodian,  
143 permanent guardian, adult household member, or other person  
144 responsible for a child's welfare as defined in subsection (48)  
145 ~~(47)~~.

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

153 (35) "Legal father" means a man married to the mother at  
154 the time of conception or birth of their child, unless paternity  
155 has been otherwise determined by a court of competent  
156 jurisdiction. If no man was married to the mother at the time of  
157 birth or conception of the child, the term "legal father" means  
158 a man named on the birth certificate of the child pursuant to s.  
159 382.013(2), a man determined by a court order to be the father  
160 of the child, or a man determined by an administrative  
161 proceeding to be the father of the child.

162 (50) ~~(49)~~ "Parent" means a woman who gives birth to a child  
163 and a man whose consent to the adoption of the child would be  
164 required under s. 63.062(1). "Parent" also means a man married  
165 to the mother at the time of conception or birth of their child,  
166 unless paternity has been otherwise determined by a court of  
167 competent jurisdiction. If no man was married to the mother at  
168 the time of birth or conception of the child, the term "legal  
169 father" means a man named on the birth certificate of the child  
170 pursuant to s. 382.013(2), a man determined by court order to be  
171 the father of the child, or a man determined by an  
172 administrative proceeding to be the father of the child. If a  
173 child has been legally adopted, the term "parent" means the  
174 adoptive mother or father of the child. For purposes of this

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175 chapter only, when the phrase "parent or legal custodian" is  
176 used, it refers to rights or responsibilities of the parent and,  
177 only if there is no living parent with intact parental rights,  
178 to the rights or responsibilities of the legal custodian who has  
179 assumed the role of the parent. The term does not include an  
180 individual whose parental relationship to the child has been  
181 legally terminated, or an alleged or prospective parent, unless:

182 (a) The parental status falls within the terms of s.

183 39.503(1) or s. 63.062(1); or

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

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

188 39.201 Mandatory reports of child abuse, abandonment, or  
189 neglect; mandatory reports of death; central abuse hotline.—

190 (6) Information in the central abuse hotline may not be  
191 used for employment screening, except as provided in s.  
192 39.202(2) (a) and (h) or s. 402.302(15). Information in the  
193 central abuse hotline and the department's automated abuse  
194 information system may be used by the department, its authorized  
195 agents or contract providers, the Department of Health, or  
196 county agencies as part of the licensure or registration process  
197 pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.

198 Pursuant to s. 39.202(2) (q), the information in the central  
199 abuse hotline may also be used by the Department of Education  
200 for purposes of educator certification discipline and review.

201 Additionally, in accordance with s. 409.145(2) (e), the  
202 information in the central abuse hotline may be used for  
203 employment screening for caregivers at residential group homes.

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204 Section 3. Paragraph (a) of subsection (9) of section  
205 39.301, Florida Statutes, is amended, and subsection (23) is  
206 added to that section, to read:

207 39.301 Initiation of protective investigations.—

208 (9) (a) For each report received from the central abuse  
209 hotline and accepted for investigation, the department or the  
210 sheriff providing child protective investigative services under  
211 s. 39.3065, shall perform the following child protective  
212 investigation activities to determine child safety:

213 1. Conduct a review of all relevant, available information  
214 specific to the child and family and alleged maltreatment;  
215 family child welfare history; local, state, and federal criminal  
216 records checks; and requests for law enforcement assistance  
217 provided by the abuse hotline. Based on a review of available  
218 information, including the allegations in the current report, a  
219 determination shall be made as to whether immediate consultation  
220 should occur with law enforcement, the child protection team, a  
221 domestic violence shelter or advocate, or a substance abuse or  
222 mental health professional. Such consultations should include  
223 discussion as to whether a joint response is necessary and  
224 feasible. A determination shall be made as to whether the person  
225 making the report should be contacted before the face-to-face  
226 interviews with the child and family members.

227 2. Conduct face-to-face interviews with the child; other  
228 siblings, if any; and the parents, legal custodians, or  
229 caregivers.

230 3. Assess the child's residence, including a determination  
231 of the composition of the family and household, including the  
232 name, address, date of birth, social security number, sex, and



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233 race of each child named in the report; any siblings or other  
234 children in the same household or in the care of the same  
235 adults; the parents, legal custodians, or caregivers; and any  
236 other adults in the same household.

237 4. Determine whether there is any indication that any child  
238 in the family or household has been abused, abandoned, or  
239 neglected; the nature and extent of present or prior injuries,  
240 abuse, or neglect, and any evidence thereof; and a determination  
241 as to the person or persons apparently responsible for the  
242 abuse, abandonment, or neglect, including the name, address,  
243 date of birth, social security number, sex, and race of each  
244 such person.

245 5. Complete assessment of immediate child safety for each  
246 child based on available records, interviews, and observations  
247 with all persons named in subparagraph 2. and appropriate  
248 collateral contacts, which may include other professionals. The  
249 department's child protection investigators are hereby  
250 designated a criminal justice agency for the purpose of  
251 accessing criminal justice information to be used for enforcing  
252 this state's laws concerning the crimes of child abuse,  
253 abandonment, and neglect. This information shall be used solely  
254 for purposes supporting the detection, apprehension,  
255 prosecution, pretrial release, posttrial release, or  
256 rehabilitation of criminal offenders or persons accused of the  
257 crimes of child abuse, abandonment, or neglect and may not be  
258 further disseminated or used for any other purpose.

259 6. Document the present and impending dangers to each child  
260 based on the identification of inadequate protective capacity  
261 through utilization of a standardized safety assessment

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262 instrument. If present or impending danger is identified, the  
263 child protective investigator must implement a safety plan or  
264 take the child into custody. If present danger is identified and  
265 the child is not removed, the child protective investigator  
266 shall create and implement a safety plan before leaving the home  
267 or the location where there is present danger. If impending  
268 danger is identified, the child protective investigator shall  
269 create and implement a safety plan as soon as necessary to  
270 protect the safety of the child. The child protective  
271 investigator may modify the safety plan if he or she identifies  
272 additional impending danger.

273 a. If the child protective investigator implements a safety  
274 plan, the plan must be specific, sufficient, feasible, and  
275 sustainable in response to the realities of the present or  
276 impending danger. A safety plan may be an in-home plan or an  
277 out-of-home plan, or a combination of both. A safety plan may  
278 include tasks or responsibilities for a parent, caregiver, or  
279 legal custodian. However, a safety plan may not rely on  
280 promissory commitments by the parent, caregiver, or legal  
281 custodian who is currently not able to protect the child or on  
282 services that are not available or will not result in the safety  
283 of the child. A safety plan may not be implemented if for any  
284 reason the parents, guardian, or legal custodian lacks the  
285 capacity or ability to comply with the plan. If the department  
286 is not able to develop a plan that is specific, sufficient,  
287 feasible, and sustainable, the department shall file a shelter  
288 petition. A child protective investigator shall implement  
289 separate safety plans for the perpetrator of domestic violence,  
290 if the investigator, using reasonable efforts, is able to locate

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291 the perpetrator to implement a safety plan, and for the parent  
292 who is a victim of domestic violence as defined in s. 741.28.  
293 Reasonable efforts to locate a perpetrator include, but are not  
294 limited to, a diligent search pursuant to the same requirements  
295 as in s. 39.503. If the perpetrator of domestic violence is not  
296 the parent, guardian, or legal custodian of any child in the  
297 home and if the department does not intend to file a shelter  
298 petition or dependency petition that will assert allegations  
299 against the perpetrator as a parent of a child in the home ~~the~~  
300 ~~child~~, the child protective investigator shall seek issuance of  
301 an injunction authorized by s. 39.504 to implement a safety plan  
302 for the perpetrator and impose any other conditions to protect  
303 the child. The safety plan for the parent who is a victim of  
304 domestic violence may not be shared with the perpetrator. If any  
305 party to a safety plan fails to comply with the safety plan  
306 resulting in the child being unsafe, the department shall file a  
307 shelter petition.

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

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

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

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

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

331 (V) The child is physically or developmentally disabled; or  
332 (VI) The child is 3 years of age or younger.

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

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

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

345 39.302 Protective investigations of institutional child  
346 abuse, abandonment, or neglect.—

347 (1) The department shall conduct a child protective  
348 investigation of each report of institutional child abuse,

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349 abandonment, or neglect. Upon receipt of a report that alleges  
350 that an employee or agent of the department, or any other entity  
351 or person covered by s. 39.01(32) or (48) ~~s. 39.01(32) or (47)~~,  
352 acting in an official capacity, has committed an act of child  
353 abuse, abandonment, or neglect, the department shall initiate a  
354 child protective investigation within the timeframe established  
355 under s. 39.201(5) and notify the appropriate state attorney,  
356 law enforcement agency, and licensing agency, which shall  
357 immediately conduct a joint investigation, unless independent  
358 investigations are more feasible. When conducting investigations  
359 or having face-to-face interviews with the child, investigation  
360 visits shall be unannounced unless it is determined by the  
361 department or its agent that unannounced visits threaten the  
362 safety of the child. If a facility is exempt from licensing, the  
363 department shall inform the owner or operator of the facility of  
364 the report. Each agency conducting a joint investigation is  
365 entitled to full access to the information gathered by the  
366 department in the course of the investigation. A protective  
367 investigation must include an interview with the child's parent  
368 or legal guardian. The department shall make a full written  
369 report to the state attorney within 3 working days after making  
370 the oral report. A criminal investigation shall be coordinated,  
371 whenever possible, with the child protective investigation of  
372 the department. Any interested person who has information  
373 regarding the offenses described in this subsection may forward  
374 a statement to the state attorney as to whether prosecution is  
375 warranted and appropriate. Within 15 days after the completion  
376 of the investigation, the state attorney shall report the  
377 findings to the department and shall include in the report a

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378 determination of whether or not prosecution is justified and  
379 appropriate in view of the circumstances of the specific case.

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

389 (a) However, if such a person is a licensee of the  
390 department and is named in any capacity in three or more reports  
391 within a 5-year period, the department may review those reports  
392 and determine whether the information contained in the reports  
393 is relevant for purposes of determining whether the person's  
394 license should be renewed or revoked. If the information is  
395 relevant to the decision to renew or revoke the license, the  
396 department may rely on the information contained in the report  
397 in making that decision.

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

403 Section 5. Paragraph (c) of subsection (8) of section  
404 39.402, Florida Statutes, is amended to read:

405 39.402 Placement in a shelter.—

406 (8)

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

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

411 2. Inform the parents or legal custodians of their right to  
412 counsel to represent them at the shelter hearing and at each  
413 subsequent hearing or proceeding, and the right of the parents  
414 to appointed counsel, pursuant to the procedures set forth in s.  
415 39.013; ~~and~~

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

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

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

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

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

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

434 e. Whether any man has acknowledged or claimed paternity of  
435 the child in a jurisdiction in which the mother resided at the

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

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

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

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

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

448 39.503 Identity or location of parent unknown; special  
449 procedures.—

450 (1) If the identity or location of a parent is unknown and  
451 a petition for dependency or shelter is filed, the court shall  
452 conduct under oath the following inquiry of the parent or legal  
453 custodian who is available, or, if no parent or legal custodian  
454 is available, of any relative or custodian of the child who is  
455 present at the hearing and likely to have any of the following  
456 information:

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

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

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



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

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

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

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

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

478 (6) The diligent search required by subsection (5) must  
479 include, at a minimum, inquiries of all relatives of the parent  
480 or prospective parent made known to the petitioner, inquiries of  
481 all offices of program areas of the department likely to have  
482 information about the parent or prospective parent, inquiries of  
483 other state and federal agencies likely to have information  
484 about the parent or prospective parent, inquiries of appropriate  
485 utility and postal providers, a thorough search of at least one  
486 electronic database specifically designed for locating persons,  
487 a search of the Florida Putative Father Registry, and inquiries  
488 of appropriate law enforcement agencies. Pursuant to s. 453 of  
489 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,  
490 as the state agency administering Titles IV-B and IV-E of the  
491 act, shall be provided access to the federal and state parent  
492 locator service for diligent search activities.

493 (7) Any agency contacted by a petitioner with a request for

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494 information pursuant to subsection (6) shall release the  
495 requested information to the petitioner without the necessity of  
496 a subpoena or court order.

497 (8) If the inquiry and diligent search identifies a  
498 prospective parent, that person must be given the opportunity to  
499 become a party to the proceedings by completing a sworn  
500 affidavit of parenthood and filing it with the court or the  
501 department. A prospective parent who files a sworn affidavit of  
502 parenthood while the child is a dependent child but no later  
503 than at the time of or before ~~prior to~~ the adjudicatory hearing  
504 in any termination of parental rights proceeding for the child  
505 shall be considered a parent for all purposes under this section  
506 unless the other parent contests the determination of  
507 parenthood. If the prospective parent does not file a sworn  
508 affidavit of parenthood or if the other parent contests the  
509 determination of parenthood, the court may, after considering  
510 the best interest of the child, order scientific testing to  
511 determine the maternity or paternity of the child. The court  
512 shall assess the cost of the maternity or paternity  
513 determination as a cost of litigation. If the court finds the  
514 prospective parent to be a parent as a result of the scientific  
515 testing, the court shall enter a judgment of maternity or  
516 paternity, shall assess the cost of the scientific testing to  
517 the parent, and shall enter an amount of child support to be  
518 paid by the parent as determined under s. 61.30. If the known  
519 parent contests the recognition of the prospective parent as a  
520 parent, the prospective parent shall not be recognized as a  
521 parent until proceedings to determine maternity or paternity  
522 ~~under chapter 742~~ have been concluded. However, the prospective

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523 parent shall continue to receive notice of hearings as a  
524 participant until pending results of the chapter 742 proceedings  
525 to determine maternity or paternity have been concluded.

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

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

531 39.504 Injunction ~~pending disposition of petition;~~  
532 penalty.-

533 (1) At any time after a protective investigation has been  
534 initiated pursuant to part III of this chapter, the court, upon  
535 the request of the department, a law enforcement officer, the  
536 state attorney, or other responsible person, or upon its own  
537 motion, may, if there is reasonable cause, issue an injunction  
538 to prevent any act of child abuse. Reasonable cause for the  
539 issuance of an injunction exists if there is evidence of child  
540 abuse or if there is a reasonable likelihood of such abuse  
541 occurring based upon a recent overt act or failure to act. If  
542 there is a pending dependency proceeding regarding the child  
543 whom the injunction is sought to protect, the judge hearing the  
544 dependency proceeding must also hear the injunction proceeding  
545 regarding the child.

546 (2) The petitioner seeking the injunction shall file a  
547 verified petition, or a petition along with an affidavit,  
548 setting forth the specific actions by the alleged offender from  
549 which the child must be protected and all remedies sought. Upon  
550 filing the petition, the court shall set a hearing to be held at  
551 the earliest possible time. Pending the hearing, the court may

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552 issue a temporary ex parte injunction, with verified pleadings  
553 or affidavits as evidence. The temporary ex parte injunction  
554 pending a hearing is effective for up to 15 days and the hearing  
555 must be held within that period unless continued for good cause  
556 shown, which may include obtaining service of process, in which  
557 case the temporary ex parte injunction shall be extended for the  
558 continuance period. The hearing may be held sooner if the  
559 alleged offender has received reasonable notice.

560 (3) Before the hearing, the alleged offender must be  
561 personally served with a copy of the petition, all other  
562 pleadings related to the petition, a notice of hearing, and, if  
563 one has been entered, the temporary injunction. If the  
564 petitioner is unable to locate the alleged offender for service  
565 after a diligent search pursuant to the same requirements as in  
566 s. 39.503 and the filing of an affidavit of diligent search, the  
567 court may enter the injunction based on the sworn petition and  
568 any affidavits. At the hearing, the court may base its  
569 determination on a sworn petition, testimony, or an affidavit  
570 and may hear all relevant and material evidence, including oral  
571 and written reports, to the extent of its probative value even  
572 though it would not be competent evidence at an adjudicatory  
573 hearing. Following the hearing, the court may enter a final  
574 injunction. The court may grant a continuance of the hearing at  
575 any time for good cause shown by any party. If a temporary  
576 injunction has been entered, it shall be continued during the  
577 continuance.

578 (4) If an injunction is issued under this section, the  
579 primary purpose of the injunction must be to protect and promote  
580 the best interests of the child, taking the preservation of the

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581 child's immediate family into consideration.

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

587 1. Refrain from further abuse or acts of domestic violence.

588 2. Participate in a specialized treatment program.

589 3. Limit contact or communication with the child victim,  
590 other children in the home, or any other child.

591 4. Refrain from contacting the child at home, school, work,  
592 or wherever the child may be found.

593 5. Have limited or supervised visitation with the child.

594 6. Vacate the home in which the child resides.

595 7. Comply with the terms of a safety plan implemented in  
596 the injunction pursuant to s. 39.301.

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

599 1. Exclusive use and possession of the dwelling to the  
600 caregiver or exclusion of the alleged or actual offender from  
601 the residence of the caregiver.

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

603 3. The costs of medical, psychiatric, and psychological  
604 treatment for the child incurred due to the abuse, and similar  
605 costs for other family members.

606  
607 This paragraph does not preclude an adult victim of domestic  
608 violence from seeking protection for himself or herself under s.  
609 741.30.

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610 (c) The terms of the final injunction shall remain in  
611 effect until modified or dissolved by the court. The petitioner,  
612 respondent, or caregiver may move at any time to modify or  
613 dissolve the injunction. Notice of hearing on the motion to  
614 modify or dissolve the injunction must be provided to all  
615 parties, including the department. The injunction is valid and  
616 enforceable in all counties in the state.

617 (5) Service of process on the respondent shall be carried  
618 out pursuant to s. 741.30. The department shall deliver a copy  
619 of any injunction issued pursuant to this section to the  
620 protected party or to a parent, caregiver, or individual acting  
621 in the place of a parent who is not the respondent. Law  
622 enforcement officers may exercise their arrest powers as  
623 provided in s. 901.15(6) to enforce the terms of the injunction.

624 (6) Any person who fails to comply with an injunction  
625 issued pursuant to this section commits a misdemeanor of the  
626 first degree, punishable as provided in s. 775.082 or s.  
627 775.083.

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

631 Section 8. Paragraph (b) of subsection (7) of section  
632 39.507, Florida Statutes, is amended to read:

633 39.507 Adjudicatory hearings; orders of adjudication.—

634 (7)

635 (b) However, the court must determine whether each parent  
636 or legal custodian identified in the case abused, abandoned, or  
637 neglected the child or engaged in conduct that placed the child  
638 at substantial risk of imminent abuse, abandonment, or neglect

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639 ~~in a subsequent evidentiary hearing.~~ If a second parent is  
640 served and brought into the proceeding after the adjudication,  
641 and an ~~the~~ evidentiary hearing for the second parent is  
642 ~~conducted subsequent to the adjudication of the child,~~ the court  
643 shall supplement the adjudicatory order, disposition order, and  
644 the case plan, as necessary. The petitioner is not required to  
645 prove actual harm or actual abuse by the second parent in order  
646 for the court to make supplemental findings regarding the  
647 conduct of the second parent. The court is not required to  
648 conduct an evidentiary hearing for the second parent in order to  
649 supplement the adjudicatory order, the disposition order, and  
650 the case plan if the requirements of s. 39.506(3) or (5) are  
651 satisfied. With the exception of proceedings pursuant to s.  
652 39.811, the child's dependency status may not be retried or  
653 readjudicated.

654 Section 9. Paragraph (a) of subsection (2) of section  
655 39.5085, Florida Statutes, is amended to read:

656 39.5085 Relative Caregiver Program.—

657 (2) (a) The Department of Children and Families shall  
658 establish, and operate, and implement the Relative Caregiver  
659 Program ~~pursuant to eligibility guidelines established in this~~  
660 ~~section as further implemented~~ by rule of the department. The  
661 Relative Caregiver Program shall, within the limits of available  
662 funding, provide financial assistance to:

663 1. Relatives who are within the fifth degree by blood or  
664 marriage to the parent or stepparent of a child and who are  
665 caring full-time for that dependent child in the role of  
666 substitute parent as a result of a court's determination of  
667 child abuse, neglect, or abandonment and subsequent placement

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668 with the relative under this chapter.

669 2. Relatives who are within the fifth degree by blood or  
670 marriage to the parent or stepparent of a child and who are  
671 caring full-time for that dependent child, and a dependent half-  
672 brother or half-sister of that dependent child, in the role of  
673 substitute parent as a result of a court's determination of  
674 child abuse, neglect, or abandonment and subsequent placement  
675 with the relative under this chapter.

676 3. Nonrelatives who are willing to assume custody and care  
677 of a dependent child in the role of substitute parent as a  
678 result of a court's determination of child abuse, neglect, or  
679 abandonment and subsequent placement with the nonrelative  
680 caregiver under this chapter. The court must find that a  
681 proposed placement under this subparagraph is in the best  
682 interest of the child.

683 4. The relative or nonrelative caregiver may not receive a  
684 Relative Caregiver Program payment if the parent or stepparent  
685 of the child resides in the home. However, a relative or  
686 nonrelative may receive the Relative Caregiver Program payment  
687 for a minor parent who is in his or her care, as well as for the  
688 minor parent's child, if both children have been adjudicated  
689 dependent and meet all other eligibility requirements. If the  
690 caregiver is currently receiving the payment, the Relative  
691 Caregiver Program payment must be terminated no later than the  
692 first of the following month after the parent or stepparent  
693 moves into the home, allowing for 10-day notice of adverse  
694 action.

695  
696 The placement may be court-ordered temporary legal custody to



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697 the relative or nonrelative under protective supervision of the  
698 department pursuant to s. 39.521(1)(c)3. ~~s. 39.521(1)(b)3.~~, or  
699 court-ordered placement in the home of a relative or nonrelative  
700 as a permanency option under s. 39.6221 or s. 39.6231 or under  
701 former s. 39.622 if the placement was made before July 1, 2006.  
702 The Relative Caregiver Program shall offer financial assistance  
703 to caregivers who would be unable to serve in that capacity  
704 without the caregiver payment because of financial burden, thus  
705 exposing the child to the trauma of placement in a shelter or in  
706 foster care.

707 Section 10. Subsections (1), (2), (6), and (7) of section  
708 39.521, Florida Statutes, are amended to read:

709 39.521 Disposition hearings; powers of disposition.—

710 (1) A disposition hearing shall be conducted by the court,  
711 if the court finds that the facts alleged in the petition for  
712 dependency were proven in the adjudicatory hearing, or if the  
713 parents or legal custodians have consented to the finding of  
714 dependency or admitted the allegations in the petition, have  
715 failed to appear for the arraignment hearing after proper  
716 notice, or have not been located despite a diligent search  
717 having been conducted.

718 (a) A written case plan and a family functioning assessment  
719 ~~predisposition study~~ prepared by an authorized agent of the  
720 department must be approved by ~~filed with~~ the court. The  
721 department must file the case plan and the family functioning  
722 assessment with the court, serve a copy of the case plan on,  
723 ~~served upon~~ the parents of the child, and provide a copy of the  
724 case plan ~~provided~~ to the representative of the guardian ad  
725 litem program, if the program has been appointed, and provide a

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726 copy ~~provided~~ to all other parties:

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

731 2. Not less than 72 hours before the case plan acceptance  
732 hearing, if the disposition hearing occurs before the 60th day  
733 after the date the child was placed in out-of-home care and a  
734 case plan has not been submitted pursuant to this paragraph, or  
735 if the court does not approve the case plan at the disposition  
736 hearing. The case plan acceptance hearing must occur ~~the court~~  
737 ~~must set a hearing~~ within 30 days after the disposition hearing  
738 to review and approve the case plan.

739 (b) The court may grant an exception to the requirement for  
740 a family functioning assessment ~~predisposition study~~ by separate  
741 order or within the judge's order of disposition upon finding  
742 that all the family and child information required by subsection  
743 (2) is available in other documents filed with the court.

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

747 1. Require the parent and, when appropriate, the legal  
748 custodian and the child to participate in treatment and services  
749 identified as necessary. The court may require the person who  
750 has custody or who is requesting custody of the child to submit  
751 to a mental health or substance abuse disorder assessment or  
752 evaluation. The order may be made only upon good cause shown and  
753 pursuant to notice and procedural requirements provided under  
754 the Florida Rules of Juvenile Procedure. The mental health

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755 assessment or evaluation must be administered by a qualified  
756 professional as defined in s. 39.01, and the substance abuse  
757 assessment or evaluation must be administered by a qualified  
758 professional as defined in s. 397.311. The court may also  
759 require such person to participate in and comply with treatment  
760 and services identified as necessary, including, when  
761 appropriate and available, participation in and compliance with  
762 a mental health court program established under chapter 394 or a  
763 treatment-based drug court program established under s. 397.334.  
764 Adjudication of a child as dependent based upon evidence of harm  
765 as defined in s. 39.01(30)(g) demonstrates good cause, and the  
766 court shall require the parent whose actions caused the harm to  
767 submit to a substance abuse disorder assessment or evaluation  
768 and to participate and comply with treatment and services  
769 identified in the assessment or evaluation as being necessary.  
770 In addition to supervision by the department, the court,  
771 including the mental health court program or the treatment-based  
772 drug court program, may oversee the progress and compliance with  
773 treatment by a person who has custody or is requesting custody  
774 of the child. The court may impose appropriate available  
775 sanctions for noncompliance upon a person who has custody or is  
776 requesting custody of the child or make a finding of  
777 noncompliance for consideration in determining whether an  
778 alternative placement of the child is in the child's best  
779 interests. Any order entered under this subparagraph may be made  
780 only upon good cause shown. This subparagraph does not authorize  
781 placement of a child with a person seeking custody of the child,  
782 other than the child's parent or legal custodian, who requires  
783 mental health or substance abuse disorder treatment.

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

786           3. Require placement of the child either under the  
787 protective supervision of an authorized agent of the department  
788 in the home of one or both of the child's parents or in the home  
789 of a relative of the child or another adult approved by the  
790 court, or in the custody of the department. Protective  
791 supervision continues until the court terminates it or until the  
792 child reaches the age of 18, whichever date is first. Protective  
793 supervision shall be terminated by the court whenever the court  
794 determines that permanency has been achieved for the child,  
795 whether with a parent, another relative, or a legal custodian,  
796 and that protective supervision is no longer needed. The  
797 termination of supervision may be with or without retaining  
798 jurisdiction, at the court's discretion, and shall in either  
799 case be considered a permanency option for the child. The order  
800 terminating supervision by the department must set forth the  
801 powers of the custodian of the child and include the powers  
802 ordinarily granted to a guardian of the person of a minor unless  
803 otherwise specified. Upon the court's termination of supervision  
804 by the department, further judicial reviews are not required if  
805 permanency has been established for the child.

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

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

815            1. The placement or custody of the child.  
816            2. Special conditions of placement and visitation.  
817            3. Evaluation, counseling, treatment activities, and other  
818 actions to be taken by the parties, if ordered.  
819            4. The persons or entities responsible for supervising or  
820 monitoring services to the child and parent.  
821            5. Continuation or discharge of the guardian ad litem, as  
822 appropriate.  
823            6. The date, time, and location of the next scheduled  
824 review hearing, which must occur within the earlier of:

825            a. Ninety days after the disposition hearing;  
826            b. Ninety days after the court accepts the case plan;  
827            c. Six months after the date of the last review hearing; or  
828            d. Six months after the date of the child's removal from  
829 his or her home, if no review hearing has been held since the  
830 child's removal from the home.

831            7. If the child is in an out-of-home placement, child  
832 support to be paid by the parents, or the guardian of the  
833 child's estate if possessed of assets which under law may be  
834 disbursed for the care, support, and maintenance of the child.  
835 The court may exercise jurisdiction over all child support  
836 matters, shall adjudicate the financial obligation, including  
837 health insurance, of the child's parents or guardian, and shall  
838 enforce the financial obligation as provided in chapter 61. The  
839 state's child support enforcement agency shall enforce child  
840 support orders under this section in the same manner as child  
841 support orders under chapter 61. Placement of the child shall

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842 not be contingent upon issuance of a support order.

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

852 b. If no suitable relative is found and the child is placed  
853 with the department or a legal custodian or other adult approved  
854 by the court, both the department and the court shall consider  
855 transferring temporary legal custody to an adult relative  
856 approved by the court at a later date, but neither the  
857 department nor the court is obligated to so place the child if  
858 it is in the child's best interest to remain in the current  
859 placement.

860  
861 For the purposes of this section, "diligent efforts to locate an  
862 adult relative" means a search similar to the diligent search  
863 for a parent, but without the continuing obligation to search  
864 after an initial adequate search is completed.

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

869 (f) ~~(e)~~ If the court finds that an in-home safety plan  
870 prepared or approved by the department ~~the prevention or~~

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871 ~~reunification efforts of the department~~ will allow the child to  
872 remain safely at home or that conditions for return have been  
873 met and an in-home safety plan prepared or approved by the  
874 department will allow the child to be safely returned to the  
875 home, the court shall allow the child to remain in or return to  
876 the home after making a specific finding of fact that ~~the~~  
877 ~~reasons for removal have been remedied to the extent that the~~  
878 child's safety, well-being, and physical, mental, and emotional  
879 health will not be endangered.

880 (g)~~(f)~~ If the court places the child in an out-of-home  
881 placement, the disposition order must include a written  
882 determination that the child cannot safely remain at home with  
883 reunification or family preservation services and that removal  
884 of the child is necessary to protect the child. If the child is  
885 removed before the disposition hearing, the order must also  
886 include a written determination as to whether, after removal,  
887 the department made a reasonable effort to reunify the parent  
888 and child. Reasonable efforts to reunify are not required if the  
889 court finds that any of the acts listed in s. 39.806(1)(f)-(l)  
890 have occurred. The department has the burden of demonstrating  
891 that it made reasonable efforts.

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

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

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

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

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

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

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

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

914           c. The child cannot safely remain at home, because there  
915 are no preventive services that can ensure the health and safety  
916 of the child or, even with appropriate and available services  
917 being provided, the health and safety of the child cannot be  
918 ensured; or

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

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

928           5. If the court finds that the prevention or reunification



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929 effort of the department would not have permitted the child to  
930 remain safely at home, the court may commit the child to the  
931 temporary legal custody of the department or take any other  
932 action authorized by this chapter.

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

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

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

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

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

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

945 (f) An assessment of child functioning.

946 (g) A safety analysis describing the capacity for an in-  
947 home safety plan to control the conditions that result in the  
948 child being unsafe and the specific actions necessary to keep  
949 the child safe.

950 (h) Identification of the conditions for return which would  
951 allow the child to be placed safely back into the home with an  
952 in-home safety plan and any safety management services necessary  
953 to ensure the child's safety.

954 ~~(a) The capacity and disposition of the parents to provide~~  
955 ~~the child with food, clothing, medical care, or other remedial~~  
956 ~~care recognized and permitted under the laws of this state in~~  
957 ~~lieu of medical care, and other material needs.~~

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- 958       ~~(b) The length of time the child has lived in a stable,~~  
 959 ~~satisfactory environment and the desirability of maintaining~~  
 960 ~~continuity.~~
- 961       ~~(c) The mental and physical health of the parents.~~
- 962       ~~(d) The home, school, and community record of the child.~~
- 963       (i)~~(e)~~ The reasonable preference of the child, if the court  
 964 deems the child to be of sufficient intelligence, understanding,  
 965 and experience to express a preference.
- 966       ~~(f) Evidence of domestic violence or child abuse.~~
- 967       ~~(g) An assessment defining the dangers and risks of~~  
 968 ~~returning the child home, including a description of the changes~~  
 969 ~~in and resolutions to the initial risks.~~
- 970       ~~(h) A description of what risks are still present and what~~  
 971 ~~resources are available and will be provided for the protection~~  
 972 ~~and safety of the child.~~
- 973       ~~(i) A description of the benefits of returning the child~~  
 974 ~~home.~~
- 975       ~~(j) A description of all unresolved issues.~~
- 976       (j)~~(k)~~ Child welfare ~~A Florida Abuse Hotline Information~~  
 977 ~~System (FAHIS) history from the Statewide Automated Child~~  
 978 Welfare Information System (SACWIS) and criminal records check  
 979 for all caregivers, family members, and individuals residing  
 980 within the household from which the child was removed.
- 981       (k)~~(l)~~ The complete report and recommendation of the child  
 982 protection team of the Department of Health or, if no report  
 983 exists, a statement reflecting that no report has been made.
- 984       (l)~~(m)~~ All opinions or recommendations from other  
 985 professionals or agencies that provide evaluative, social,  
 986 reunification, or other services to the parent and child.

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

994            1. If the services were or were not provided.

995            2. If the services were provided, the outcome of the  
996 services.

997            3. If the services were not provided, why they were not  
998 provided.

999            4. If the services are currently being provided and if they  
1000 need to be continued.

1001        ~~(o) A listing of other prevention and reunification~~  
1002 ~~services that were available but determined to be inappropriate~~  
1003 ~~and why.~~

1004        ~~(p) Whether dependency mediation was provided.~~

1005        (n) ~~(q)~~ If the child has been removed from the home and  
1006 there is a parent who may be considered for custody pursuant to  
1007 this section, a recommendation as to whether placement of the  
1008 child with that parent would be detrimental to the child.

1009        (o) ~~(r)~~ If the child has been removed from the home and will  
1010 be remaining with a relative, parent, or other adult approved by  
1011 the court, a home study report concerning the proposed placement  
1012 shall be provided to the court ~~included in the predisposition~~  
1013 ~~report~~. Before recommending to the court any out-of-home  
1014 placement for a child other than placement in a licensed shelter  
1015 or foster home, the department shall conduct a study of the home

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1016 of the proposed legal custodians, which must include, at a  
1017 minimum:

1018 1. An interview with the proposed legal custodians to  
1019 assess their ongoing commitment and ability to care for the  
1020 child.

1021 2. Records checks through the State Automated Child Welfare  
1022 Information System (SACWIS), and local and statewide criminal  
1023 and juvenile records checks through the Department of Law  
1024 Enforcement, on all household members 12 years of age or older.  
1025 In addition, the fingerprints of any household members who are  
1026 18 years of age or older may be submitted to the Department of  
1027 Law Enforcement for processing and forwarding to the Federal  
1028 Bureau of Investigation for state and national criminal history  
1029 information. The department has the discretion to request State  
1030 Automated Child Welfare Information System (SACWIS) and local,  
1031 statewide, and national criminal history checks and  
1032 fingerprinting of any other visitor to the home who is made  
1033 known to the department. Out-of-state criminal records checks  
1034 must be initiated for any individual who has resided in a state  
1035 other than Florida if that state's laws allow the release of  
1036 these records. The out-of-state criminal records must be filed  
1037 with the court within 5 days after receipt by the department or  
1038 its agent.

1039 3. An assessment of the physical environment of the home.

1040 4. A determination of the financial security of the  
1041 proposed legal custodians.

1042 5. A determination of suitable child care arrangements if  
1043 the proposed legal custodians are employed outside of the home.

1044 6. Documentation of counseling and information provided to

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1045 the proposed legal custodians regarding the dependency process  
1046 and possible outcomes.

1047 7. Documentation that information regarding support  
1048 services available in the community has been provided to the  
1049 proposed legal custodians.

1050 8. The reasonable preference of the child, if the court  
1051 deems the child to be of sufficient intelligence, understanding,  
1052 and experience to express a preference.

1053  
1054 The department may not place the child or continue the placement  
1055 of the child in a home under shelter or postdisposition  
1056 placement if the results of the home study are unfavorable,  
1057 unless the court finds that this placement is in the child's  
1058 best interest.

1059 ~~(p)~~(s) If the child has been removed from the home, a  
1060 determination of the amount of child support each parent will be  
1061 required to pay pursuant to s. 61.30.

1062 ~~(t) If placement of the child with anyone other than the~~  
1063 ~~child's parent is being considered, the predisposition study~~  
1064 ~~shall include the designation of a specific length of time as to~~  
1065 ~~when custody by the parent will be reconsidered.~~

1066  
1067 Any other relevant and material evidence, including other  
1068 written or oral reports, may be received by the court in its  
1069 effort to determine the action to be taken with regard to the  
1070 child and may be relied upon to the extent of its probative  
1071 value, even though not competent in an adjudicatory hearing.  
1072 Except as otherwise specifically provided, nothing in this  
1073 section prohibits the publication of proceedings in a hearing.

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1074 (6) With respect to a child who is the subject in  
1075 proceedings under this chapter, the court may issue to the  
1076 department an order to show cause why it should not return the  
1077 child to the custody of the parents upon the presentation of  
1078 evidence that the conditions for return of the child have been  
1079 met ~~expiration of the case plan, or sooner if the parents have~~  
1080 ~~substantially complied with the case plan.~~

1081 (7) The court may enter an order ending its jurisdiction  
1082 over a child when a child has been returned to the parents,  
1083 provided the court shall not terminate its jurisdiction or the  
1084 department's supervision over the child until 6 months after the  
1085 child's return. The department shall supervise the placement of  
1086 the child after reunification for at least 6 months with each  
1087 parent or legal custodian from whom the child was removed. The  
1088 court shall determine whether its jurisdiction should be  
1089 continued or terminated in such a case based on a report of the  
1090 department or agency or the child's guardian ad litem, and any  
1091 other relevant factors; if its jurisdiction is to be terminated,  
1092 the court shall enter an order to that effect.

1093 Section 11. Subsections (2) and (3) of section 39.522,  
1094 Florida Statutes, are amended to read:

1095 39.522 Postdisposition change of custody.—The court may  
1096 change the temporary legal custody or the conditions of  
1097 protective supervision at a postdisposition hearing, without the  
1098 necessity of another adjudicatory hearing.

1099 (2) In cases where the issue before the court is whether a  
1100 child should be reunited with a parent, the court shall review  
1101 the conditions for return and determine whether the  
1102 circumstances that caused the out-of-home placement and issues

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1103 subsequently identified have been remedied ~~parent has~~  
1104 ~~substantially complied with the terms of the case plan to the~~  
1105 ~~extent that the~~ return of the child to the home with an in-home  
1106 safety plan prepared or approved by the department will not be  
1107 detrimental to the child's safety, well-being, and physical,  
1108 mental, and emotional health ~~of the child is not endangered by~~  
1109 ~~the return of the child to the home.~~

1110 (3) In cases where the issue before the court is whether a  
1111 child who is placed in the custody of a parent should be  
1112 reunited with the other parent upon a finding that the  
1113 circumstances that caused the out-of-home placement and issues  
1114 subsequently identified have been remedied to the extent that  
1115 the return of the child to the home of the other parent with an  
1116 in-home safety plan prepared or approved by the department will  
1117 not be detrimental to the child ~~of substantial compliance with~~  
1118 ~~the terms of the case plan,~~ the standard shall be that the  
1119 safety, well-being, and physical, mental, and emotional health  
1120 of the child would not be endangered by reunification and that  
1121 reunification would be in the best interest of the child.

1122 Section 12. Section 39.523, Florida Statutes, is amended to  
1123 read:

1124 (Substantial rewording of section. See  
1125 s. 39.523, F.S., for present text.)

1126 39.523 Placement in out-of-home care.—The Legislature finds  
1127 that it is a basic tenet of child welfare practice and the law  
1128 that children be placed in the least restrictive, most family-  
1129 like setting available in close proximity to the home of their  
1130 parents, consistent with the best interests and needs of the  
1131 child, and that children be placed in permanent homes in a

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1132 timely manner.

1133 (1) When any child is removed from a home and placed into  
1134 out-of-home care, a comprehensive placement assessment shall be  
1135 completed to determine whether the child's needs can be met with  
1136 family members or in a family foster home and, if not, which  
1137 type of foster care placement setting would provide a more  
1138 effective and appropriate level of care.

1139 (2) The assessment and any placement decision must be done  
1140 in conjunction with a permanency team that must be established  
1141 by the department or the community-based care lead agency that  
1142 places children pursuant to this section and is dedicated to  
1143 overcoming the permanency challenges occurring for children in  
1144 out-of-home care. The team must attempt to include a  
1145 representative from the community-based care lead agency, the  
1146 caseworker for the child, the out-of-home care provider, the  
1147 guardian ad litem if one has been appointed, any provider of  
1148 services to the child, teachers, clergy, relatives, fictive kin,  
1149 and all appropriate biological family members.

1150 (3) The permanency team shall convene a multidisciplinary  
1151 staffing every 180 calendar days, to coincide with the judicial  
1152 review, to reassess the appropriateness of the child's current  
1153 placement. The multidisciplinary staffing shall consider, at a  
1154 minimum, the current level of the child's functioning, whether  
1155 recommended services are being provided effectively, any  
1156 services that would enable transition to a less restrictive  
1157 family-like setting, and diligent efforts to find other  
1158 permanent living arrangements for the child.

1159 (4) The department shall document initial placement  
1160 assessments in the Florida Safe Families Network.



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1161 (5) If it is determined during the comprehensive placement  
1162 assessment that residential treatment as defined in s. 39.407  
1163 would be suitable for the child, the procedures in that section  
1164 must be followed.

1165 (6) At each judicial review, the court shall review the  
1166 assessment placement decision for the child and the department  
1167 shall demonstrate why the placement is in the least restrictive  
1168 setting. If the child has been placed in group care with a  
1169 residential child-caring agency, the department must demonstrate  
1170 why the child cannot be placed with a relative or nonrelative or  
1171 in a family foster home and why the placement in group care with  
1172 a residential child-caring agency continues to be necessary and  
1173 consistent with the child's short-term and long-term goals, and  
1174 must document efforts to help the child transition to a more  
1175 family-like setting.

1176 (7) By October 1 of each year, the department shall report  
1177 to the Governor, the President of the Senate, and the Speaker of  
1178 the House of Representatives on the placement of children in  
1179 out-of-home care, including placements with relatives and  
1180 nonrelatives, family foster homes, and residential group care  
1181 during the year. At a minimum, the report must include, by each  
1182 community-based care lead agency:

1183 (a) The number of children placed with relatives and  
1184 nonrelatives, in family foster homes, and in residential group  
1185 care.

1186 (b) An inventory of available services that are necessary  
1187 to maintain children in the least restrictive settings and a  
1188 plan for filling any identified gap in those services.

1189 (c) The number of children who were placed based upon the

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1190 assessment.

1191 (d) An inventory of existing placements for children by  
1192 type and by community-based care lead agency.

1193 (e) The strategies being used by community-based care lead  
1194 agencies to recruit, train, and support an adequate number of  
1195 families to provide home-based family care.

1196 (f) For every placement of a child made that is contrary to  
1197 an appropriate placement as determined by the assessment process  
1198 in this section, an explanation from the community-based care  
1199 lead agency as to why the placement was made.

1200 (8) The department may adopt rules necessary to carry out  
1201 the provisions of this section.

1202 Section 13. Subsection (1) of section 39.6011, Florida  
1203 Statutes, is amended to read:

1204 39.6011 Case plan development.—

1205 (1) The department shall prepare a draft of the case plan  
1206 for each child receiving services under this chapter. A parent  
1207 of a child may not be threatened or coerced with the loss of  
1208 custody or parental rights for failing to admit in the case plan  
1209 of abusing, neglecting, or abandoning a child. Participating in  
1210 the development of a case plan is not an admission to any  
1211 allegation of abuse, abandonment, or neglect, and it is not a  
1212 consent to a finding of dependency or termination of parental  
1213 rights. The case plan shall be developed subject to the  
1214 following requirements:

1215 (a) The case plan must be developed in a face-to-face  
1216 conference with the parent of the child, any court-appointed  
1217 guardian ad litem, and, if appropriate, the child and the  
1218 temporary custodian of the child.

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1219       (b) Notwithstanding s. 39.202, the department may discuss  
1220 confidential information during the case planning conference in  
1221 the presence of individuals who participate in the conference.  
1222 All individuals who participate in the conference shall maintain  
1223 the confidentiality of all information shared during the case  
1224 planning conference.

1225       ~~(c)~~ ~~(b)~~ The parent may receive assistance from any person or  
1226 social service agency in preparing the case plan. The social  
1227 service agency, the department, and the court, when applicable,  
1228 shall inform the parent of the right to receive such assistance,  
1229 including the right to assistance of counsel.

1230       ~~(d)~~ ~~(e)~~ If a parent is unwilling or unable to participate in  
1231 developing a case plan, the department shall document that  
1232 unwillingness or inability to participate. The documentation  
1233 must be provided in writing to the parent when available for the  
1234 court record, and the department shall prepare a case plan  
1235 conforming as nearly as possible with the requirements set forth  
1236 in this section. The unwillingness or inability of the parent to  
1237 participate in developing a case plan does not preclude the  
1238 filing of a petition for dependency or for termination of  
1239 parental rights. The parent, if available, must be provided a  
1240 copy of the case plan and be advised that he or she may, at any  
1241 time before the filing of a petition for termination of parental  
1242 rights, enter into a case plan and that he or she may request  
1243 judicial review of any provision of the case plan with which he  
1244 or she disagrees at any court hearing set for the child.

1245       Section 14. Subsection (1) of section 39.6012, Florida  
1246 Statutes, is amended to read:

1247       39.6012 Case plan tasks; services.—

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1248 (1) The services to be provided to the parent and the tasks  
1249 that must be completed are subject to the following:

1250 (a) The services described in the case plan must be  
1251 designed to improve the conditions in the home and aid in  
1252 maintaining the child in the home, facilitate the child's safe  
1253 return to the home, ensure proper care of the child, or  
1254 facilitate the child's permanent placement. The services offered  
1255 must be the least intrusive possible into the life of the parent  
1256 and child, must focus on clearly defined objectives, and must  
1257 provide the most efficient path to quick reunification or  
1258 permanent placement given the circumstances of the case and the  
1259 child's need for safe and proper care.

1260 (b) The case plan must describe each of the tasks with  
1261 which the parent must comply and the services to be provided to  
1262 the parent, specifically addressing the identified problem,  
1263 including:

1264 1. The type of services or treatment.

1265 2. The date the department will provide each service or  
1266 referral for the service if the service is being provided by the  
1267 department or its agent.

1268 3. The date by which the parent must complete each task.

1269 4. The frequency of services or treatment provided. The  
1270 frequency of the delivery of services or treatment provided  
1271 shall be determined by the professionals providing the services  
1272 or treatment on a case-by-case basis and adjusted according to  
1273 their best professional judgment.

1274 5. The location of the delivery of the services.

1275 6. The staff of the department or service provider  
1276 accountable for the services or treatment.

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1277 7. A description of the measurable objectives, including  
1278 the timeframes specified for achieving the objectives of the  
1279 case plan and addressing the identified problem.

1280 (c) If there is evidence of harm as defined in s.  
1281 39.01(30)(g), the case plan must include as a required task for  
1282 the parent whose actions caused the harm that the parent submit  
1283 to a substance abuse disorder assessment or evaluation and  
1284 participate and comply with treatment and services identified in  
1285 the assessment or evaluation as being necessary.

1286 Section 15. Subsection (7) is added to section 39.6221,  
1287 Florida Statutes, to read:

1288 39.6221 Permanent guardianship of a dependent child.—

1289 (7) The requirements of s. 61.13001 do not apply to  
1290 permanent guardianships established under this section.

1291 Section 16. Paragraph (h) is added to subsection (1) of  
1292 section 39.701, Florida Statutes, to read:

1293 39.701 Judicial review.—

1294 (1) GENERAL PROVISIONS.—

1295 (h) If a child is born into a family that is under the  
1296 court's jurisdiction or a child moves into a home that is under  
1297 the court's jurisdiction, the department shall assess the  
1298 child's safety and provide notice to the court.

1299 1. The department shall complete an assessment to determine  
1300 how the addition of a child will impact family functioning. The  
1301 assessment must be completed at least 30 days before a child is  
1302 expected to be born or to move into a home, or within 72 hours  
1303 after the department learns of the pregnancy or addition if the  
1304 child is expected to be born or to move into the home in less  
1305 than 30 days. The assessment shall be filed with the court.

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1306       2. Once a child is born into a family or a child moves into  
1307 the home, the department shall complete a progress update and  
1308 file it with the court.

1309       3. The court has the discretion to hold a hearing on the  
1310 progress update filed by the department.

1311       4. The department shall adopt rules to implement this  
1312 subsection.

1313       Section 17. Subsection (3) of section 39.801, Florida  
1314 Statutes, is amended to read:

1315       39.801 Procedures and jurisdiction; notice; service of  
1316 process.—

1317       (3) Before the court may terminate parental rights, in  
1318 addition to the other requirements set forth in this part, the  
1319 following requirements must be met:

1320       (a) Notice of the date, time, and place of the advisory  
1321 hearing for the petition to terminate parental rights and a copy  
1322 of the petition must be personally served upon the following  
1323 persons, specifically notifying them that a petition has been  
1324 filed:

1325           1. The parents of the child.

1326           2. The legal custodians of the child.

1327           3. If the parents who would be entitled to notice are dead  
1328 or unknown, a living relative of the child, unless upon diligent  
1329 search and inquiry no such relative can be found.

1330           4. Any person who has physical custody of the child.

1331           5. Any grandparent entitled to priority for adoption under  
1332 s. 63.0425.

1333           6. Any prospective parent who has been identified under s.  
1334 39.503 or s. 39.803, unless a court order has been entered

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1335 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which  
1336 indicates no further notice is required. Except as otherwise  
1337 provided in this section, if there is not a legal father, notice  
1338 of the petition for termination of parental rights must be  
1339 provided to any known prospective father who is identified under  
1340 oath before the court or who is identified by a diligent search  
1341 of the Florida Putative Father Registry. Service of the notice  
1342 of the petition for termination of parental rights may not be  
1343 required if the prospective father executes an affidavit of  
1344 nonpaternity or a consent to termination of his parental rights  
1345 which is accepted by the court after notice and opportunity to  
1346 be heard by all parties to address the best interests of the  
1347 child in accepting such affidavit.

1348 7. The guardian ad litem for the child or the  
1349 representative of the guardian ad litem program, if the program  
1350 has been appointed.

1351  
1352 The document containing the notice to respond or appear must  
1353 contain, in type at least as large as the type in the balance of  
1354 the document, the following or substantially similar language:  
1355 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING  
1356 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF  
1357 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND  
1358 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE  
1359 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS  
1360 NOTICE."

1361 (b) If a party required to be served with notice as  
1362 prescribed in paragraph (a) cannot be served, notice of hearings  
1363 must be given as prescribed by the rules of civil procedure, and

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1364 service of process must be made as specified by law or civil  
1365 actions.

1366 (c) Notice as prescribed by this section may be waived, in  
1367 the discretion of the judge, with regard to any person to whom  
1368 notice must be given under this subsection if the person  
1369 executes, before two witnesses and a notary public or other  
1370 officer authorized to take acknowledgments, a written surrender  
1371 of the child to a licensed child-placing agency or the  
1372 department.

1373 (d) If the person served with notice under this section  
1374 fails to personally appear at the advisory hearing, the failure  
1375 to personally appear shall constitute consent for termination of  
1376 parental rights by the person given notice. If a parent appears  
1377 for the advisory hearing and the court orders that parent to  
1378 personally appear at the adjudicatory hearing for the petition  
1379 for termination of parental rights, stating the date, time, and  
1380 location of said hearing, then failure of that parent to  
1381 personally appear at the adjudicatory hearing shall constitute  
1382 consent for termination of parental rights.

1383 Section 18. Section 39.803, Florida Statutes, is amended,  
1384 to read:

1385 39.803 Identity or location of parent unknown after filing  
1386 of termination of parental rights petition; special procedures.—

1387 (1) If the identity or location of a parent is unknown and  
1388 a petition for termination of parental rights is filed, the  
1389 court shall conduct under oath the following inquiry of the  
1390 parent who is available, or, if no parent is available, of any  
1391 relative, caregiver, or legal custodian of the child who is  
1392 present at the hearing and likely to have the information:



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1393 (a) Whether the mother of the child was married at the  
1394 probable time of conception of the child or at the time of birth  
1395 of the child.

1396 (b) Whether the mother was cohabiting with a male at the  
1397 probable time of conception of the child.

1398 (c) Whether the mother has received payments or promises of  
1399 support with respect to the child or because of her pregnancy  
1400 from a man who claims to be the father.

1401 (d) Whether the mother has named any man as the father on  
1402 the birth certificate of the child or in connection with  
1403 applying for or receiving public assistance.

1404 (e) Whether any man has acknowledged or claimed paternity  
1405 of the child in a jurisdiction in which the mother resided at  
1406 the time of or since conception of the child, or in which the  
1407 child has resided or resides.

1408 (f) Whether a man is named on the birth certificate of the  
1409 child pursuant to s. 382.013(2).

1410 (g) Whether a man has been determined by a court order to  
1411 be the father of the child.

1412 (h) Whether a man has been determined by an administrative  
1413 proceeding to be the father of the child.

1414 (2) The information required in subsection (1) may be  
1415 supplied to the court or the department in the form of a sworn  
1416 affidavit by a person having personal knowledge of the facts.

1417 (3) If the inquiry under subsection (1) identifies any  
1418 person as a parent or prospective parent, the court shall  
1419 require notice of the hearing to be provided to that person.

1420 (4) If the inquiry under subsection (1) fails to identify  
1421 any person as a parent or prospective parent, the court shall so

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1422 find and may proceed without further notice.

1423 (5) If the inquiry under subsection (1) identifies a parent  
1424 or prospective parent, and that person's location is unknown,  
1425 the court shall direct the petitioner to conduct a diligent  
1426 search for that person before scheduling an adjudicatory hearing  
1427 regarding the petition for termination of parental rights to the  
1428 child unless the court finds that the best interest of the child  
1429 requires proceeding without actual notice to the person whose  
1430 location is unknown.

1431 (6) The diligent search required by subsection (5) must  
1432 include, at a minimum, inquiries of all known relatives of the  
1433 parent or prospective parent, inquiries of all offices of  
1434 program areas of the department likely to have information about  
1435 the parent or prospective parent, inquiries of other state and  
1436 federal agencies likely to have information about the parent or  
1437 prospective parent, inquiries of appropriate utility and postal  
1438 providers, a thorough search of at least one electronic database  
1439 specifically designed for locating persons, a search of the  
1440 Florida Putative Father Registry, and inquiries of appropriate  
1441 law enforcement agencies. Pursuant to s. 453 of the Social  
1442 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the  
1443 state agency administering Titles IV-B and IV-E of the act,  
1444 shall be provided access to the federal and state parent locator  
1445 service for diligent search activities.

1446 (7) Any agency contacted by petitioner with a request for  
1447 information pursuant to subsection (6) shall release the  
1448 requested information to the petitioner without the necessity of  
1449 a subpoena or court order.

1450 (8) If the inquiry and diligent search identifies a

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1451 prospective parent, that person must be given the opportunity to  
1452 become a party to the proceedings by completing a sworn  
1453 affidavit of parenthood and filing it with the court or the  
1454 department. A prospective parent who files a sworn affidavit of  
1455 parenthood while the child is a dependent child but no later  
1456 than at the time of or before ~~prior to~~ the adjudicatory hearing  
1457 in the termination of parental rights proceeding for the child  
1458 shall be considered a parent for all purposes under this  
1459 section. If the prospective parent does not file a sworn  
1460 affidavit of parenthood or if the other parent contests the  
1461 determination of parenthood, the court may, after considering  
1462 the best interests of the child, order scientific testing to  
1463 determine the maternity or paternity of the child. The court  
1464 shall assess the cost of the paternity determination as a cost  
1465 of litigation. If the court finds the prospective parent to be a  
1466 parent as a result of the scientific testing, the court shall  
1467 enter a judgment of maternity or paternity, shall assess the  
1468 cost of the scientific testing to the parent, and shall enter an  
1469 amount of child support to be paid by the parent as determined  
1470 under s. 61.30. If the known parent contests the recognition of  
1471 the prospective parent as a parent, the prospective parent shall  
1472 not be recognized as a parent until proceedings to establish  
1473 maternity or paternity have been concluded. However, the  
1474 prospective parent shall continue to receive notice of hearings  
1475 as a participant until proceedings to establish maternity or  
1476 paternity have been concluded.

1477 (9) If the diligent search under subsection (5) fails to  
1478 identify and locate a prospective parent, the court shall so  
1479 find and may proceed without further notice.

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1480 Section 19. Paragraph (1) of subsection (1) of section  
1481 39.806, Florida Statutes, is amended, and subsections (2) and  
1482 (3) are republished, to read:

1483 39.806 Grounds for termination of parental rights.—

1484 (1) Grounds for the termination of parental rights may be  
1485 established under any of the following circumstances:

1486 (1) On three or more occasions the child or another child  
1487 of the parent or parents has been placed in out-of-home care  
1488 pursuant to this chapter or the law of any state, territory, or  
1489 jurisdiction of the United States which is substantially similar  
1490 to this chapter, and the conditions that led to the child's out-  
1491 of-home placement were caused by the parent or parents.

1492 (2) Reasonable efforts to preserve and reunify families are  
1493 not required if a court of competent jurisdiction has determined  
1494 that any of the events described in paragraphs (1) (b)-(d) or  
1495 paragraphs (1) (f)-(m) have occurred.

1496 (3) If a petition for termination of parental rights is  
1497 filed under subsection (1), a separate petition for dependency  
1498 need not be filed and the department need not offer the parents  
1499 a case plan having a goal of reunification, but may instead file  
1500 with the court a case plan having a goal of termination of  
1501 parental rights to allow continuation of services until the  
1502 termination is granted or until further orders of the court are  
1503 issued.

1504 Section 20. Subsection (6) of section 39.811, Florida  
1505 Statutes, is amended to read:

1506 39.811 Powers of disposition; order of disposition.—

1507 (6) The parental rights of one parent may be severed  
1508 without severing the parental rights of the other parent only

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1509 under the following circumstances:

1510 (a) If the child has only one surviving parent;

1511 (b) If the identity of a prospective parent has been  
1512 established as unknown after sworn testimony;

1513 (c) If the parent whose rights are being terminated became  
1514 a parent through a single-parent adoption;

1515 (d) If the protection of the child demands termination of  
1516 the rights of a single parent; or

1517 (e) If the parent whose rights are being terminated meets  
1518 any of the criteria specified in s. 39.806(1) (c), (d), (f), (g),  
1519 (h), (i), (j), (k), (l), (m), or (n) and ~~(f)-(m)~~.

1520 Section 21. Paragraph (b) of subsection (4) of section  
1521 125.901, Florida Statutes, is amended to read:

1522 125.901 Children's services; independent special district;  
1523 council; powers, duties, and functions; public records  
1524 exemption.—

1525 (4)

1526 (b)1.a. Notwithstanding paragraph (a), the governing body  
1527 of the county shall submit the question of retention or  
1528 dissolution of a district with voter-approved taxing authority  
1529 to the electorate in the general election according to the  
1530 following schedule:

1531 (I) For a district in existence on July 1, 2010, and  
1532 serving a county with a population of 400,000 or fewer persons  
1533 as of that date.....2014.

1534 (II) For a district in existence on July 1, 2010, and  
1535 serving a county with a population of 2 million or more persons  
1536 as of that date, unless the governing body of the county has  
1537 previously submitted such question voluntarily to the electorate

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1538 for a second time since 2005,.....2020.

1539       b. A referendum by the electorate on or after July 1, 2010,  
 1540 creating a new district with taxing authority may specify that  
 1541 the district is not subject to reauthorization or may specify  
 1542 the number of years for which the initial authorization shall  
 1543 remain effective. If the referendum does not prescribe terms of  
 1544 reauthorization, the governing body of the county shall submit  
 1545 the question of retention or dissolution of the district to the  
 1546 electorate in the general election 12 years after the initial  
 1547 authorization.

1548       2. The governing body of the district may specify, and  
 1549 submit to the governing body of the county no later than 9  
 1550 months before the scheduled election, that the district is not  
 1551 subsequently subject to reauthorization or may specify the  
 1552 number of years for which a reauthorization under this paragraph  
 1553 shall remain effective. If the governing body of the district  
 1554 makes such specification and submission, the governing body of  
 1555 the county shall include that information in the question  
 1556 submitted to the electorate. If the governing body of the  
 1557 district does not specify and submit such information, the  
 1558 governing body of the county shall resubmit the question of  
 1559 reauthorization to the electorate every 12 years after the year  
 1560 prescribed in subparagraph 1. The governing body of the district  
 1561 may recommend to the governing body of the county language for  
 1562 the question submitted to the electorate.

1563       3. Nothing in this paragraph limits the authority to  
 1564 dissolve a district as provided under paragraph (a).

1565       4. Nothing in this paragraph precludes the governing body  
 1566 of a district from requesting that the governing body of the

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1567 county submit the question of retention or dissolution of a  
1568 district with voter-approved taxing authority to the electorate  
1569 at a date earlier than the year prescribed in subparagraph 1. If  
1570 the governing body of the county accepts the request and submits  
1571 the question to the electorate, the governing body satisfies the  
1572 requirement of that subparagraph.

1573

1574 If any district is dissolved pursuant to this subsection, each  
1575 county must first obligate itself to assume the debts,  
1576 liabilities, contracts, and outstanding obligations of the  
1577 district within the total millage available to the county  
1578 governing body for all county and municipal purposes as provided  
1579 for under s. 9, Art. VII of the State Constitution. Any district  
1580 may also be dissolved pursuant to part VII of chapter 189.

1581 Section 22. Subsection (9) of section 322.051, Florida  
1582 Statutes, is amended to read:

1583 322.051 Identification cards.—

1584 (9) (a) Notwithstanding any other provision of this section  
1585 or s. 322.21 to the contrary, the department shall issue or  
1586 renew a card at no charge to a person who presents evidence  
1587 satisfactory to the department that he or she is homeless as  
1588 defined in s. 414.0252(7), to a juvenile offender who is in the  
1589 custody or under the supervision of the Department of Juvenile  
1590 Justice and receiving services pursuant to s. 985.461, to an  
1591 inmate receiving a card issued pursuant to s. 944.605(7), or, if  
1592 necessary, to an inmate receiving a replacement card if the  
1593 department determines that he or she has a valid state  
1594 identification card. If the replacement state identification  
1595 card is scheduled to expire within 6 months, the department may

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1596 also issue a temporary permit valid for at least 6 months after  
 1597 the release date. The department's mobile issuing units shall  
 1598 process the identification cards for juvenile offenders and  
 1599 inmates at no charge, as provided by s. 944.605 (7)(a) and (b).

1600 (b) If the person who presents evidence that he or she is  
 1601 homeless is a certified unaccompanied or homeless youth as  
 1602 defined in s. 734.067, the back of the card shall exhibit the  
 1603 following:

1604 As a certified unaccompanied or homeless  
 1605 youth, this individual may consent to  
 1606 diagnosis and treatment and any forensic  
 1607 medical examination authorized pursuant to  
 1608 s. 743.067, F.S.

1609 Section 23. Paragraph (g) of subsection (4) of section  
 1610 395.3025, Florida Statutes, is amended, and subsection (8) of  
 1611 that section is republished, to read:

1612 395.3025 Patient and personnel records; copies;  
 1613 examination.—

1614 (4) Patient records are confidential and must not be  
 1615 disclosed without the consent of the patient or his or her legal  
 1616 representative, but appropriate disclosure may be made without  
 1617 such consent to:

1618 (g) The Department of Children and Families, ~~or~~ or its agent,  
 1619 or its contracted entity, for the purpose of investigations of  
 1620 or services for cases of abuse, neglect, or exploitation of  
 1621 children or vulnerable adults.

1622 (8) Patient records at hospitals and ambulatory surgical  
 1623 centers are exempt from disclosure under s. 119.07(1), except as  
 1624 provided by subsections (1)-(5).



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1625 Section 24. Subsections (2) and (6) of section 402.40,  
1626 Florida Statutes, are amended to read:

1627 402.40 Child welfare training and certification.—

1628 (2) DEFINITIONS.—As used in this section, the term:

1629 (a) "Child welfare certification" means a professional  
1630 credential awarded by a department-approved third-party  
1631 credentialing entity to individuals demonstrating core  
1632 competency in any child welfare practice area.

1633 (b) "Child welfare services" means any intake, protective  
1634 investigations, preprotective services, protective services,  
1635 foster care, shelter and group care, and adoption and related  
1636 services program, including supportive services and supervision  
1637 provided to children who are alleged to have been abused,  
1638 abandoned, or neglected or who are at risk of becoming, are  
1639 alleged to be, or have been found dependent pursuant to chapter  
1640 39.

1641 (c) "Child welfare trainer" means any person providing  
1642 training for the purposes of child welfare professionals earning  
1643 certification.

1644 (d)~~(e)~~ "Core competency" means the minimum knowledge,  
1645 skills, and abilities necessary to carry out work  
1646 responsibilities.

1647 (e)~~(d)~~ "Person providing child welfare services" means a  
1648 person who has a responsibility for supervisory, direct care, or  
1649 support-related work in the provision of child welfare services  
1650 pursuant to chapter 39.

1651 (f)~~(e)~~ "Preservice curriculum" means the minimum statewide  
1652 training content based upon the core competencies which is made  
1653 available to all persons providing child welfare services.

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1654        (g)~~(f)~~ "Third-party credentialing entity" means a  
1655 department-approved nonprofit organization that has met  
1656 nationally recognized standards for developing and administering  
1657 professional certification programs.

1658        (6) ADOPTION OF RULES.—The Department of Children and  
1659 Families shall adopt rules necessary to carry out ~~the provisions~~  
1660 ~~of this section, including the requirements for child welfare~~  
1661 trainers.

1662        Section 25. Section 409.992, Florida Statutes, is amended  
1663 to read:

1664        409.992 Lead agency expenditures.—

1665        (1) The procurement of commodities or contractual services  
1666 by lead agencies shall be governed by the financial guidelines  
1667 developed by the department and must comply with applicable  
1668 state and federal law and follow good business practices.  
1669 Pursuant to s. 11.45, the Auditor General may provide technical  
1670 advice in the development of the financial guidelines.

1671        (2) Notwithstanding any other provision of law, a  
1672 community-based care lead agency may make expenditures for staff  
1673 cellular telephone allowances, contracts requiring deferred  
1674 payments and maintenance agreements, security deposits for  
1675 office leases, related agency professional membership dues other  
1676 than personal professional membership dues, promotional  
1677 materials, and grant writing services. Expenditures for food and  
1678 refreshments, other than those provided to clients in the care  
1679 of the agency or to foster parents, adoptive parents, and  
1680 caseworkers during training sessions, are not allowable.

1681        (3) Notwithstanding any other provision of law, a  
1682 community-based care lead agency administrative employee may not

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1683 receive a salary, whether base pay or base pay combined with any  
 1684 bonus or incentive payments, in excess of the salary paid to the  
 1685 secretary of the Department of Children and Families from state-  
 1686 appropriated funds, including state-appropriated federal funds.  
 1687 This subsection does not prohibit any party from providing cash  
 1688 that is not from appropriated state funds to a community-based  
 1689 care lead agency administrative employee.

1690 (4)~~(3)~~ A lead community-based care agency and its  
 1691 subcontractors are exempt from state travel policies as provided  
 1692 in s. 112.061(3)(a) for their travel expenses incurred in order  
 1693 to comply with the requirements of this section.

1694 Section 26. Paragraph (a) of subsection (7) of section  
 1695 456.057, Florida Statutes, is amended to read:

1696 456.057 Ownership and control of patient records; report or  
 1697 copies of records to be furnished; disclosure of information.—

1698 (7) (a) Except as otherwise provided in this section and in  
 1699 s. 440.13(4)(c), such records may not be furnished to, and the  
 1700 medical condition of a patient may not be discussed with, any  
 1701 person other than the patient, the patient's legal  
 1702 representative, or other health care practitioners and providers  
 1703 involved in the patient's care or treatment, except upon written  
 1704 authorization from the patient. However, such records may be  
 1705 furnished without written authorization under the following  
 1706 circumstances:

1707 1. To any person, firm, or corporation that has procured or  
 1708 furnished such care or treatment with the patient's consent.

1709 2. When compulsory physical examination is made pursuant to  
 1710 Rule 1.360, Florida Rules of Civil Procedure, in which case  
 1711 copies of the medical records shall be furnished to both the

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1712 defendant and the plaintiff.

1713 3. In any civil or criminal action, unless otherwise  
1714 prohibited by law, upon the issuance of a subpoena from a court  
1715 of competent jurisdiction and proper notice to the patient or  
1716 the patient's legal representative by the party seeking such  
1717 records.

1718 4. For statistical and scientific research, provided the  
1719 information is abstracted in such a way as to protect the  
1720 identity of the patient or provided written permission is  
1721 received from the patient or the patient's legal representative.

1722 5. To a regional poison control center for purposes of  
1723 treating a poison episode under evaluation, case management of  
1724 poison cases, or compliance with data collection and reporting  
1725 requirements of s. 395.1027 and the professional organization  
1726 that certifies poison control centers in accordance with federal  
1727 law.

1728 6. To the Department of Children and Families, its agent,  
1729 or its contracted entity, for the purpose of investigations of  
1730 or services for cases of abuse, neglect, or exploitation of  
1731 children or vulnerable adults.

1732 Section 27. Section 409.141, Florida Statutes, is repealed.

1733 Section 28. Section 409.1677, Florida Statutes, is  
1734 repealed.

1735 Section 29. Section 743.067, Florida Statutes, is amended  
1736 to read:

1737 743.067 Certified unaccompanied homeless youths.-

1738 (1) For purposes of this section, the term an "certified  
1739 unaccompanied homeless youth" means a minor who is a homeless  
1740 child or youth or an unaccompanied youth, as those terms are

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1741 defined in 42 U.S.C. s. 11434a., who has been certified as  
1742 homeless or unaccompanied by ~~is an individual who is 16 years of~~  
1743 ~~age or older and is:~~

1744 (a) A school district homeless liaison;

1745 ~~(a) Found by a school district's liaison for homeless~~  
1746 ~~children and youths to be an unaccompanied homeless youth~~  
1747 ~~eligible for services pursuant to the McKinney-Vento Homeless~~  
1748 ~~Assistance Act, 42 U.S.C. ss. 11431-11435; or~~

1749 ~~(b) Believed to qualify as an unaccompanied homeless youth,~~  
1750 ~~as that term is defined in the McKinney-Vento Homeless~~  
1751 ~~Assistance Act, by:~~

1752 (b)1. The director of an emergency shelter program funded  
1753 by the United States Department of Housing and Urban  
1754 Development, or the director's designee; or

1755 (c)2. The director of a runaway or homeless youth basic  
1756 center or transitional living program funded by the United  
1757 States Department of Health and Human Services, or the  
1758 director's designee.

1759 ~~3. A clinical social worker licensed under chapter 491; or~~

1760 ~~4. A circuit court.~~

1761 (2)(a) The Office on Homelessness within the Department of  
1762 Children and Families shall develop a standardized form that  
1763 must be used by the entities specified in subsection (1) to  
1764 certify qualifying unaccompanied homeless youth. The form must  
1765 include the circumstances that qualify the youth; the date the  
1766 youth was certified; the name, title, and signature of the  
1767 certifying individual; and a citation to this section. A minor  
1768 ~~who qualifies as an unaccompanied homeless youth shall be issued~~  
1769 ~~a written certificate documenting his or her status by the~~

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1770 ~~appropriate individual as provided in subsection (1). The~~  
1771 ~~certificate shall be issued on the official letterhead~~  
1772 ~~stationery of the person making the determination and shall~~  
1773 ~~include the date of the finding, a citation to this section, and~~  
1774 ~~the signature of the individual making the finding.~~

1775 (b) A certified unaccompanied homeless youth may use the  
1776 completed form to apply at no charge for an identification card  
1777 issued by the Department of Highway Safety and Motor Vehicles  
1778 pursuant to s. 322.051(9).

1779 (c) A health care provider may accept the written  
1780 certificate or identification card as proof of the minor's  
1781 status as a certified ~~an~~ unaccompanied homeless youth and may  
1782 keep a copy of the certificate or identification card in the  
1783 youth's medical file.

1784 (3) A certified ~~an~~ unaccompanied homeless youth may:

1785 (a) Petition the circuit court to have the disabilities of  
1786 nonage removed under s. 743.015. The youth shall qualify as a  
1787 person not required to prepay costs and fees as provided in s.  
1788 57.081. The court shall advance the cause on the calendar.

1789 (b) Notwithstanding s. 394.4625(1), consent to medical,  
1790 dental, psychological, substance abuse, and surgical diagnosis  
1791 and treatment, including preventative care and care by a  
1792 facility licensed under chapter 394, chapter 395, or chapter 397  
1793 and any forensic medical examination for the purpose of  
1794 investigating any felony offense under chapter 784, chapter 787,  
1795 chapter 794, chapter 800, or chapter 827, for:

1796 1. Himself or herself; or

1797 2. His or her child, if the certified unaccompanied  
1798 homeless youth is unmarried, is the parent of the child, and has

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1799 actual custody of the child.

1800 (4) This section does not affect the requirements of s.  
1801 390.01114.

1802 Section 30. Paragraph (f) of subsection (1) of section  
1803 1009.25, Florida Statutes, is amended to read

1804 1009.25 Fee exemptions.—

1805 (1) The following students are exempt from the payment of  
1806 tuition and fees, including lab fees, at a school district that  
1807 provides workforce education programs, Florida College System  
1808 institution, or state university:

1809 (f) A student who lacks a fixed, regular, and adequate  
1810 nighttime residence or whose primary nighttime residence is a  
1811 public or private shelter designed to provide temporary  
1812 residence, a public or private transitional living program for  
1813 individuals intended to be institutionalized, or a public or  
1814 private place not designed for, or ordinarily used as, a regular  
1815 sleeping accommodation for human beings. This includes a student  
1816 who, if it were not for the availability of college or  
1817 university dormitory housing, would be homeless.

1818 Section 31. Subsection (1) of section 39.524, Florida  
1819 Statutes, is amended to read:

1820 39.524 Safe-harbor placement.—

1821 (1) Except as provided in s. 39.407 or s. 985.801, a  
1822 dependent child 6 years of age or older who has been found to be  
1823 a victim of sexual exploitation as defined in s. 39.01 ~~s.~~  
1824 ~~39.01(70)(g)~~ must be assessed for placement in a safe house or  
1825 safe foster home as provided in s. 409.1678 using the initial  
1826 screening and assessment instruments provided in s. 409.1754(1).  
1827 If such placement is determined to be appropriate for the child

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1828 as a result of this assessment, the child may be placed in a  
1829 safe house or safe foster home, if one is available. However,  
1830 the child may be placed in another setting, if the other setting  
1831 is more appropriate to the child's needs or if a safe house or  
1832 safe foster home is unavailable, as long as the child's  
1833 behaviors are managed so as not to endanger other children  
1834 served in that setting.

1835 Section 32. Paragraph (p) of subsection (4) of section  
1836 394.495, Florida Statutes, is amended to read:

1837 394.495 Child and adolescent mental health system of care;  
1838 programs and services.—

1839 (4) The array of services may include, but is not limited  
1840 to:

1841 (p) Trauma-informed services for children who have suffered  
1842 sexual exploitation as defined in s. 39.01 ~~s. 39.01(70)(g)~~.

1843 Section 33. Paragraph (c) of subsection (1) and paragraphs  
1844 (a) and (b) of subsection (6) of section 409.1678, Florida  
1845 Statutes, are amended to read:

1846 409.1678 Specialized residential options for children who  
1847 are victims of sexual exploitation.—

1848 (1) DEFINITIONS.—As used in this section, the term:

1849 (c) "Sexually exploited child" means a child who has  
1850 suffered sexual exploitation as defined in s. 39.01 ~~s.~~  
1851 ~~39.01(70)(g)~~ and is ineligible for relief and benefits under the  
1852 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101  
1853 et seq.

1854 (6) LOCATION INFORMATION.—

1855 (a) Information about the location of a safe house, safe  
1856 foster home, or other residential facility serving victims of



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1857 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~,  
1858 which is held by an agency, as defined in s. 119.011, is  
1859 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
1860 of the State Constitution. This exemption applies to such  
1861 confidential and exempt information held by an agency before,  
1862 on, or after the effective date of the exemption.

1863 (b) Information about the location of a safe house, safe  
1864 foster home, or other residential facility serving victims of  
1865 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~, may  
1866 be provided to an agency, as defined in s. 119.011, as necessary  
1867 to maintain health and safety standards and to address emergency  
1868 situations in the safe house, safe foster home, or other  
1869 residential facility.

1870 Section 34. Subsection (5) of section 960.065, Florida  
1871 Statutes, is amended to read:

1872 960.065 Eligibility for awards.—

1873 (5) A person is not ineligible for an award pursuant to  
1874 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that  
1875 person is a victim of sexual exploitation of a child as defined  
1876 in s. 39.01 ~~s. 39.01(70)(g)~~.

1877 Section 35. Section 409.1679, Florida Statutes, is amended  
1878 to read:

1879 409.1679 Additional requirements; reimbursement  
1880 methodology.—

1881 (1) Each program established under s. 409.1676 ~~ss. 409.1676~~  
1882 ~~and 409.1677~~ must meet the following expectations, which must be  
1883 included in its contracts with the department or lead agency:

1884 (a) No more than 10 percent of the children served may move  
1885 from one living environment to another, unless the child is

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1886 returned to family members or is moved, in accordance with the  
1887 treatment plan, to a less-restrictive setting. Each child must  
1888 have a comprehensive transitional plan that identifies the  
1889 child's living arrangement upon leaving the program and specific  
1890 steps and services that are being provided to prepare for that  
1891 arrangement. Specific expectations as to the time period  
1892 necessary for the achievement of these permanency goals must be  
1893 included in the contract.

1894 (b) Each child must receive a full academic year of  
1895 appropriate educational instruction. No more than 10 percent of  
1896 the children may be in more than one academic setting in an  
1897 academic year, unless the child is being moved, in accordance  
1898 with an educational plan, to a less-restrictive setting. Each  
1899 child must demonstrate academic progress and must be performing  
1900 at grade level or at a level commensurate with a valid academic  
1901 assessment.

1902 (c) Siblings must be kept together in the same living  
1903 environment 100 percent of the time, unless that is determined  
1904 by the provider not to be in the children's best interest. When  
1905 siblings are separated in placement, the decision must be  
1906 reviewed and approved by the court within 30 days.

1907 (d) The program must experience a caregiver turnover rate  
1908 and an incidence of child runaway episodes which are at least 50  
1909 percent below the rates experienced in the rest of the state.

1910 (e) In addition to providing a comprehensive assessment,  
1911 the program must provide, 100 percent of the time, any or all of  
1912 the following services that are indicated through the  
1913 assessment: residential care; transportation; behavioral health  
1914 services; recreational activities; clothing, supplies, and

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1915 miscellaneous expenses associated with caring for these  
1916 children; necessary arrangements for or provision of educational  
1917 services; and necessary and appropriate health and dental care.

1918 (f) The children who are served in this program must be  
1919 satisfied with the services and living environment.

1920 (g) The caregivers must be satisfied with the program.

1921 (2) ~~Notwithstanding the provisions of s. 409.141,~~ The  
1922 Department of Children and Families shall fairly and reasonably  
1923 reimburse the programs established under s. 409.1676 ~~ss.~~  
1924 ~~409.1676 and 409.1677~~ based on a prospective per diem rate,  
1925 which must be specified annually in the General Appropriations  
1926 Act. Funding for these programs shall be made available from  
1927 resources appropriated and identified in the General  
1928 Appropriations Act.

1929 Section 36. Subsection (11) of section 1002.3305, Florida  
1930 Statutes, is amended to read:

1931 1002.3305 College-Preparatory Boarding Academy Pilot  
1932 Program for at-risk students.—

1933 (11) STUDENT HOUSING.—~~Notwithstanding s. 409.176 ss.~~  
1934 ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an  
1935 operator may house and educate dependent, at-risk youth in its  
1936 residential school for the purpose of facilitating the mission  
1937 of the program and encouraging innovative practices.

1938 Section 37. For the purpose of incorporating the amendment  
1939 made by this act to section 456.057, Florida Statutes, in a  
1940 reference thereto, subsection (2) of section 483.181, Florida  
1941 Statutes, is reenacted to read:

1942 483.181 Acceptance, collection, identification, and  
1943 examination of specimens.—

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1944           (2) The results of a test must be reported directly to the  
1945 licensed practitioner or other authorized person who requested  
1946 it, and appropriate disclosure may be made by the clinical  
1947 laboratory without a patient's consent to other health care  
1948 practitioners and providers involved in the care or treatment of  
1949 the patient as specified in s. 456.057(7)(a). The report must  
1950 include the name and address of the clinical laboratory in which  
1951 the test was actually performed, unless the test was performed  
1952 in a hospital laboratory and the report becomes an integral part  
1953 of the hospital record.

1954           Section 38. This act shall take effect January 1, 2018.