

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

590-04111-17

20171044c2

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. 39.202, F.S.; providing that
8 confidential records held by the department concerning
9 reports of child abandonment, abuse, or neglect,
10 including reports made to the central abuse hotline
11 and all records generated as a result of such reports,
12 may be accessed for employment screening of
13 residential group home caregivers; changing the time
14 period for the release of records to certain
15 individuals; amending s. 39.301, F.S.; requiring a
16 safety plan to be issued for a perpetrator of domestic
17 violence only if the perpetrator can be located;
18 specifying what constitutes reasonable efforts;
19 requiring that a child new to a family under
20 investigation be added to the investigation and
21 assessed for safety; amending s. 39.302, F.S.;
22 conforming a cross-reference; providing that central
23 abuse hotline information may be used for certain
24 employment screenings; amending s. 39.402, F.S.;
25 requiring a court to inquire as to the identity and
26 location of a child's legal father at the shelter
27 hearing; specifying the types of information that fall
28 within the scope of such inquiry; amending s. 39.503,
29 F.S.; requiring a court to conduct under oath the

590-04111-17

20171044c2

30 inquiry to determine the identity or location of an
31 unknown parent; requiring a court to seek additional
32 information relating to a father's identity in such
33 inquiry; requiring the diligent search to determine a
34 parent's or prospective parent's location to include a
35 search of the Florida Putative Father Registry;
36 authorizing the court to order scientific testing to
37 determine parentage if certain conditions exist;
38 amending s. 39.504, F.S.; requiring the same judge to
39 hear a pending dependency proceeding and an injunction
40 proceeding; providing that the court may enter an
41 injunction based on specified evidence; amending s.
42 39.507, F.S.; requiring a court to consider
43 maltreatment allegations against a parent in an
44 evidentiary hearing relating to a dependency petition;
45 amending s. 39.5085, F.S.; revising eligibility
46 guidelines for the Relative Caregiver Program with
47 respect to relative and nonrelative caregivers;
48 amending s. 39.521, F.S.; providing new time
49 guidelines for filing with the court and providing
50 copies of case plans and family functioning
51 assessments; providing for assessment and program
52 compliance for a parent who caused harm to a child by
53 exposing the child to a controlled substance;
54 providing in-home safety plan requirements; providing
55 requirements for family functioning assessments;
56 providing supervision requirements after
57 reunification; amending s. 39.522, F.S.; providing
58 conditions for returning a child to the home with an

590-04111-17

20171044c2

59 in-home safety plan; amending s. 39.523, F.S.;

60 providing legislative findings and intent; requiring

61 children placed in out-of-home care to be assessed to

62 determine the most appropriate placement; requiring

63 the placement assessments to be documented in the

64 Florida Safe Families Network; requiring a court to

65 review and approve placements; requiring the

66 Department of Children and Families to post specified

67 information relating to assessment and placement on

68 its website and update that information annually on

69 specified dates; authorizing the department to adopt

70 rules; creating s. 39.6001, F.S.; requiring the

71 Department of Children and Families, in partnership

72 with the Department of Health, the Agency for Health

73 Care Administration, and other state agencies and

74 community partners, to develop a strategy for certain

75 coordinated services; providing for creation of a safe

76 care plan that addresses the health and substance

77 abuse disorder treatment needs of a newborn and

78 affected family or caregivers and provides for the

79 monitoring of services provided under the plan;

80 amending s. 39.6011, F.S.; providing requirements for

81 confidential information in a case planning

82 conference; providing restrictions; amending s.

83 39.6012, F.S.; providing for assessment and program

84 compliance for a parent who caused harm to a child by

85 exposing the child to a controlled substance; amending

86 s. 39.6221, F.S.; providing that relocation

87 requirements for parents in dissolution proceedings do

590-04111-17

20171044c2

88 not apply to certain permanent guardianships; amending
89 s. 39.701, F.S.; providing safety assessment
90 requirements for children coming into a home under
91 court jurisdiction; granting rulemaking authority;
92 amending s. 39.801, F.S.; providing an exception to
93 the notice requirement regarding the advisory hearing
94 for a petition to terminate parental rights; amending
95 s. 39.803, F.S.; requiring a court to conduct under
96 oath the inquiry to determine the identity or location
97 of an unknown parent after the filing of a termination
98 of parental rights petition; requiring a court to seek
99 additional information relating to a legal father's
100 identity in such inquiry; revising minimum
101 requirements for the diligent search to determine the
102 location of a parent or prospective parent;
103 authorizing the court to order scientific testing to
104 determine parentage if certain conditions exist;
105 amending s. 39.806, F.S.; revising circumstances under
106 which grounds for the termination of parental rights
107 may be established; amending s. 39.811, F.S.; revising
108 circumstances under which the rights of one parent may
109 be terminated without terminating the rights of the
110 other parent; amending s. 125.901, F.S.; creating an
111 exception to the requirement that, for an independent
112 special district in existence on a certain date and
113 serving a population of a specified size, the
114 governing body of the county submit the question of
115 the district's retention or dissolution to the
116 electorate in a specified general election; amending

590-04111-17

20171044c2

117 s. 322.051, F.S., requiring that an identification
118 card for certified unaccompanied homeless youth
119 include a specified statement; amending s. 395.3025,
120 F.S.; revising requirements for access to patient
121 records; amending s. 402.40, F.S.; defining the term
122 "child welfare trainer"; providing rulemaking
123 authority; creating s. 409.16741, F.S.; providing
124 legislative findings and intent; requiring the
125 Department of Children and Families to develop or
126 adopt one or more initial screening assessment
127 instruments to identify and determine the needs of,
128 and plan services for, substance-exposed newborns and
129 their families; requiring the department to conduct
130 certain staffings relating to services for substance-
131 exposed newborns and their families; requiring that
132 certain local service capacity be assessed; requiring
133 that child protective investigators receive
134 specialized training in working with substance-exposed
135 newborns and their families before they accept such
136 cases; creating s. 409.16742, F.S.; providing
137 legislative findings and intent; establishing a shared
138 family care residential services pilot program for
139 substance-exposed newborns; amending s. 409.992, F.S.;
140 limiting compensation from state-appropriated funds
141 for administrative employees of community-based care
142 agencies; amending s. 456.057, F.S.; revising
143 requirements for access to patient records; repealing
144 s. 409.141, F.S., relating to equitable reimbursement
145 methodology; repealing s. 409.1677, F.S., relating to

590-04111-17

20171044c2

146 model comprehensive residential services programs;
147 amending s. 743.067, F.S.; defining the term
148 "certified unaccompanied homeless youth"; requiring
149 the Office on Homelessness within the Department of
150 Children and Families to develop a standardized form
151 to be used in the certification process; providing
152 information that must be included in the form;
153 authorizing a certified unaccompanied homeless youth
154 to apply at no charge to the Department of Highway
155 Safety and Motor Vehicles for an identification card;
156 conforming terminology; amending s. 1009.25, F.S.;
157 revising the exemption from the payment of tuition and
158 fees for homeless students; amending ss. 39.524,
159 394.495, 409.1678, and 960.065, F.S.; conforming
160 cross-references; amending ss. 409.1679 and 1002.3305,
161 F.S.; conforming provisions to changes made by the
162 act; reenacting s. 483.181(2), F.S., relating to
163 acceptance, collection, identification, and
164 examination of specimens, to incorporate the amendment
165 made to s. 456.057, F.S., in a reference thereto;
166 providing effective dates.

167

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

169

170 Section 1. Present subsections (35) through (80) of section
171 39.01, Florida Statutes, are redesignated as subsections (36)
172 through (81), respectively, a new subsection (35) is added to
173 that section, and subsections (10) and (32) and present
174 subsection (49) of that section are amended, to read:

590-04111-17

20171044c2

175 39.01 Definitions.—When used in this chapter, unless the
176 context otherwise requires:

177 (10) "Caregiver" means the parent, legal custodian,
178 permanent guardian, adult household member, or other person
179 responsible for a child's welfare as defined in subsection (48)
180 ~~(47)~~.

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

188 (35) "Legal father" means a man married to the mother at
189 the time of conception or birth of their child, unless paternity
190 has been otherwise determined by a court of competent
191 jurisdiction. If no man was married to the mother at the time of
192 birth or conception of the child, the term "legal father" means
193 a man named on the birth certificate of the child pursuant to s.
194 382.013(2), a man determined by a court order to be the father
195 of the child, or a man determined by an administrative
196 proceeding to be the father of the child.

197 (50) ~~(49)~~ "Parent" means a woman who gives birth to a child
198 and a man whose consent to the adoption of the child would be
199 required under s. 63.062(1). "Parent" also means a man married
200 to the mother at the time of conception or birth of their child,
201 unless paternity has been otherwise determined by a court of
202 competent jurisdiction. If no man was married to the mother at
203 the time of birth or conception of the child, the term "legal

590-04111-17

20171044c2

204 father” means a man named on the birth certificate of the child
205 pursuant to s. 382.013(2), a man determined by court order to be
206 the father of the child, or a man determined by an
207 administrative proceeding to be the father of the child. If a
208 child has been legally adopted, the term “parent” means the
209 adoptive mother or father of the child. For purposes of this
210 chapter only, when the phrase “parent or legal custodian” is
211 used, it refers to rights or responsibilities of the parent and,
212 only if there is no living parent with intact parental rights,
213 to the rights or responsibilities of the legal custodian who has
214 assumed the role of the parent. The term does not include an
215 individual whose parental relationship to the child has been
216 legally terminated, or an alleged or prospective parent, unless:

217 (a) The parental status falls within the terms of s.
218 39.503(1) or s. 63.062(1); or

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

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

223 39.201 Mandatory reports of child abuse, abandonment, or
224 neglect; mandatory reports of death; central abuse hotline.—

225 (6) Information in the central abuse hotline may not be
226 used for employment screening, except as provided in s.
227 39.202(2)(a) and (h) or s. 402.302(15). Information in the
228 central abuse hotline and the department’s automated abuse
229 information system may be used by the department, its authorized
230 agents or contract providers, the Department of Health, or
231 county agencies as part of the licensure or registration process
232 pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.

590-04111-17

20171044c2

233 Pursuant to s. 39.202(2)(q), the information in the central
234 abuse hotline may also be used by the Department of Education
235 for purposes of educator certification discipline and review.
236 Additionally, in accordance with s. 409.145(2)(e), the
237 information in the central abuse hotline may be used for
238 employment screening for caregivers at residential group homes.

239 Section 3. Paragraphs (a), (d), and (e) of subsection (2)
240 of section 39.202, Florida Statutes, are amended to read:

241 39.202 Confidentiality of reports and records in cases of
242 child abuse or neglect.—

243 (2) Except as provided in subsection (4), access to such
244 records, excluding the name of the reporter which shall be
245 released only as provided in subsection (5), shall be granted
246 only to the following persons, officials, and agencies:

247 (a) Employees, authorized agents, or contract providers of
248 the department, the Department of Health, the Agency for Persons
249 with Disabilities, the Office of Early Learning, or county
250 agencies responsible for carrying out:

- 251 1. Child or adult protective investigations;
- 252 2. Ongoing child or adult protective services;
- 253 3. Early intervention and prevention services;
- 254 4. Healthy Start services;
- 255 5. Licensure or approval of adoptive homes, foster homes,
256 child care facilities, facilities licensed under chapter 393,
257 family day care homes, providers who receive school readiness
258 funding under part VI of chapter 1002, or other homes used to
259 provide for the care and welfare of children; ~~or~~

260 6. Employment screening for caregivers in residential group
261 homes; or

590-04111-17

20171044c2

262 ~~7.6.~~ Services for victims of domestic violence when
263 provided by certified domestic violence centers working at the
264 department's request as case consultants or with shared clients.
265

266 Also, employees or agents of the Department of Juvenile Justice
267 responsible for the provision of services to children, pursuant
268 to chapters 984 and 985.

269 (d) The parent or legal custodian of any child who is
270 alleged to have been abused, abandoned, or neglected, and the
271 child, and their attorneys, including any attorney representing
272 a child in civil or criminal proceedings. This access shall be
273 made available no later than 60 ~~30~~ days after the department
274 receives the initial report of abuse, neglect, or abandonment.
275 However, any information otherwise made confidential or exempt
276 by law shall not be released pursuant to this paragraph.

277 (e) Any person alleged in the report as having caused the
278 abuse, abandonment, or neglect of a child. This access shall be
279 made available no later than 60 ~~30~~ days after the department
280 receives the initial report of abuse, abandonment, or neglect
281 and, when the alleged perpetrator is not a parent, shall be
282 limited to information involving the protective investigation
283 only and shall not include any information relating to
284 subsequent dependency proceedings. However, any information
285 otherwise made confidential or exempt by law shall not be
286 released pursuant to this paragraph.

287 Section 4. Paragraph (a) of subsection (9) of section
288 39.301, Florida Statutes, is amended, and subsection (23) is
289 added to that section, to read:

290 39.301 Initiation of protective investigations.-

590-04111-17

20171044c2

291 (9) (a) For each report received from the central abuse
292 hotline and accepted for investigation, the department or the
293 sheriff providing child protective investigative services under
294 s. 39.3065, shall perform the following child protective
295 investigation activities to determine child safety:

296 1. Conduct a review of all relevant, available information
297 specific to the child and family and alleged maltreatment;
298 family child welfare history; local, state, and federal criminal
299 records checks; and requests for law enforcement assistance
300 provided by the abuse hotline. Based on a review of available
301 information, including the allegations in the current report, a
302 determination shall be made as to whether immediate consultation
303 should occur with law enforcement, the child protection team, a
304 domestic violence shelter or advocate, or a substance abuse or
305 mental health professional. Such consultations should include
306 discussion as to whether a joint response is necessary and
307 feasible. A determination shall be made as to whether the person
308 making the report should be contacted before the face-to-face
309 interviews with the child and family members.

310 2. Conduct face-to-face interviews with the child; other
311 siblings, if any; and the parents, legal custodians, or
312 caregivers.

313 3. Assess the child's residence, including a determination
314 of the composition of the family and household, including the
315 name, address, date of birth, social security number, sex, and
316 race of each child named in the report; any siblings or other
317 children in the same household or in the care of the same
318 adults; the parents, legal custodians, or caregivers; and any
319 other adults in the same household.

590-04111-17

20171044c2

320 4. Determine whether there is any indication that any child
321 in the family or household has been abused, abandoned, or
322 neglected; the nature and extent of present or prior injuries,
323 abuse, or neglect, and any evidence thereof; and a determination
324 as to the person or persons apparently responsible for the
325 abuse, abandonment, or neglect, including the name, address,
326 date of birth, social security number, sex, and race of each
327 such person.

328 5. Complete assessment of immediate child safety for each
329 child based on available records, interviews, and observations
330 with all persons named in subparagraph 2. and appropriate
331 collateral contacts, which may include other professionals. The
332 department's child protection investigators are hereby
333 designated a criminal justice agency for the purpose of
334 accessing criminal justice information to be used for enforcing
335 this state's laws concerning the crimes of child abuse,
336 abandonment, and neglect. This information shall be used solely
337 for purposes supporting the detection, apprehension,
338 prosecution, pretrial release, posttrial release, or
339 rehabilitation of criminal offenders or persons accused of the
340 crimes of child abuse, abandonment, or neglect and may not be
341 further disseminated or used for any other purpose.

342 6. Document the present and impending dangers to each child
343 based on the identification of inadequate protective capacity
344 through utilization of a standardized safety assessment
345 instrument. If present or impending danger is identified, the
346 child protective investigator must implement a safety plan or
347 take the child into custody. If present danger is identified and
348 the child is not removed, the child protective investigator

590-04111-17

20171044c2

349 shall create and implement a safety plan before leaving the home
350 or the location where there is present danger. If impending
351 danger is identified, the child protective investigator shall
352 create and implement a safety plan as soon as necessary to
353 protect the safety of the child. The child protective
354 investigator may modify the safety plan if he or she identifies
355 additional impending danger.

356 a. If the child protective investigator implements a safety
357 plan, the plan must be specific, sufficient, feasible, and
358 sustainable in response to the realities of the present or
359 impending danger. A safety plan may be an in-home plan or an
360 out-of-home plan, or a combination of both. A safety plan may
361 include tasks or responsibilities for a parent, caregiver, or
362 legal custodian. However, a safety plan may not rely on
363 promissory commitments by the parent, caregiver, or legal
364 custodian who is currently not able to protect the child or on
365 services that are not available or will not result in the safety
366 of the child. A safety plan may not be implemented if for any
367 reason the parents, guardian, or legal custodian lacks the
368 capacity or ability to comply with the plan. If the department
369 is not able to develop a plan that is specific, sufficient,
370 feasible, and sustainable, the department shall file a shelter
371 petition. A child protective investigator shall implement
372 separate safety plans for the perpetrator of domestic violence,
373 if the investigator, using reasonable efforts, is able to locate
374 the perpetrator to implement a safety plan, and for the parent
375 who is a victim of domestic violence as defined in s. 741.28.
376 Reasonable efforts to locate a perpetrator include, but are not
377 limited to, a diligent search pursuant to the same requirements

590-04111-17

20171044c2

378 as in s. 39.503. If the perpetrator of domestic violence is not
379 the parent, guardian, or legal custodian of any child in the
380 home and if the department does not intend to file a shelter
381 petition or dependency petition that will assert allegations
382 against the perpetrator as a parent of a child in the home ~~the~~
383 ~~child~~, the child protective investigator shall seek issuance of
384 an injunction authorized by s. 39.504 to implement a safety plan
385 for the perpetrator and impose any other conditions to protect
386 the child. The safety plan for the parent who is a victim of
387 domestic violence may not be shared with the perpetrator. If any
388 party to a safety plan fails to comply with the safety plan
389 resulting in the child being unsafe, the department shall file a
390 shelter petition.

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

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

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

590-04111-17

20171044c2

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

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

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

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

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

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

426 Section 5. Subsections (1) and (7) of section 39.302,
427 Florida Statutes, are amended to read:

428 39.302 Protective investigations of institutional child
429 abuse, abandonment, or neglect.—

430 (1) The department shall conduct a child protective
431 investigation of each report of institutional child abuse,
432 abandonment, or neglect. Upon receipt of a report that alleges
433 that an employee or agent of the department, or any other entity
434 or person covered by s. 39.01(32) or (48) ~~s. 39.01(32) or (47)~~,
435 acting in an official capacity, has committed an act of child

590-04111-17

20171044c2

436 abuse, abandonment, or neglect, the department shall initiate a
437 child protective investigation within the timeframe established
438 under s. 39.201(5) and notify the appropriate state attorney,
439 law enforcement agency, and licensing agency, which shall
440 immediately conduct a joint investigation, unless independent
441 investigations are more feasible. When conducting investigations
442 or having face-to-face interviews with the child, investigation
443 visits shall be unannounced unless it is determined by the
444 department or its agent that unannounced visits threaten the
445 safety of the child. If a facility is exempt from licensing, the
446 department shall inform the owner or operator of the facility of
447 the report. Each agency conducting a joint investigation is
448 entitled to full access to the information gathered by the
449 department in the course of the investigation. A protective
450 investigation must include an interview with the child's parent
451 or legal guardian. The department shall make a full written
452 report to the state attorney within 3 working days after making
453 the oral report. A criminal investigation shall be coordinated,
454 whenever possible, with the child protective investigation of
455 the department. Any interested person who has information
456 regarding the offenses described in this subsection may forward
457 a statement to the state attorney as to whether prosecution is
458 warranted and appropriate. Within 15 days after the completion
459 of the investigation, the state attorney shall report the
460 findings to the department and shall include in the report a
461 determination of whether or not prosecution is justified and
462 appropriate in view of the circumstances of the specific case.

463 (7) When an investigation of institutional abuse, neglect,
464 or abandonment is closed and a person is not identified as a

590-04111-17

20171044c2

465 caregiver responsible for the abuse, neglect, or abandonment
466 alleged in the report, the fact that the person is named in some
467 capacity in the report may not be used in any way to adversely
468 affect the interests of that person. This prohibition applies to
469 any use of the information in employment screening, licensing,
470 child placement, adoption, or any other decisions by a private
471 adoption agency or a state agency or its contracted providers.

472 (a) However, if such a person is a licensee of the
473 department and is named in any capacity in three or more reports
474 within a 5-year period, the department may review those reports
475 and determine whether the information contained in the reports
476 is relevant for purposes of determining whether the person's
477 license should be renewed or revoked. If the information is
478 relevant to the decision to renew or revoke the license, the
479 department may rely on the information contained in the report
480 in making that decision.

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

486 Section 6. Paragraph (c) of subsection (8) of section
487 39.402, Florida Statutes, is amended to read:

488 39.402 Placement in a shelter.—

489 (8)

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

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

590-04111-17

20171044c2

494 2. Inform the parents or legal custodians of their right to
495 counsel to represent them at the shelter hearing and at each
496 subsequent hearing or proceeding, and the right of the parents
497 to appointed counsel, pursuant to the procedures set forth in s.
498 39.013; ~~and~~

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

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

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

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

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

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

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

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

590-04111-17

20171044c2

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

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

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

531 39.503 Identity or location of parent unknown; special
532 procedures.—

533 (1) If the identity or location of a parent is unknown and
534 a petition for dependency or shelter is filed, the court shall
535 conduct under oath the following inquiry of the parent or legal
536 custodian who is available, or, if no parent or legal custodian
537 is available, of any relative or custodian of the child who is
538 present at the hearing and likely to have any of the following
539 information:

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

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

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

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

551 (e) Whether any man has acknowledged or claimed paternity

590-04111-17

20171044c2

552 of the child in a jurisdiction in which the mother resided at
553 the time of or since conception of the child, or in which the
554 child has resided or resides.

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

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

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

561 (6) The diligent search required by subsection (5) must
562 include, at a minimum, inquiries of all relatives of the parent
563 or prospective parent made known to the petitioner, inquiries of
564 all offices of program areas of the department likely to have
565 information about the parent or prospective parent, inquiries of
566 other state and federal agencies likely to have information
567 about the parent or prospective parent, inquiries of appropriate
568 utility and postal providers, a thorough search of at least one
569 electronic database specifically designed for locating persons,
570 a search of the Florida Putative Father Registry, and inquiries
571 of appropriate law enforcement agencies. Pursuant to s. 453 of
572 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,
573 as the state agency administering Titles IV-B and IV-E of the
574 act, shall be provided access to the federal and state parent
575 locator service for diligent search activities.

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

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

590-04111-17

20171044c2

581 prospective parent, that person must be given the opportunity to
582 become a party to the proceedings by completing a sworn
583 affidavit of parenthood and filing it with the court or the
584 department. A prospective parent who files a sworn affidavit of
585 parenthood while the child is a dependent child but no later
586 than at the time of or before ~~prior to~~ the adjudicatory hearing
587 in any termination of parental rights proceeding for the child
588 shall be considered a parent for all purposes under this section
589 unless the other parent contests the determination of
590 parenthood. If the prospective parent does not file a sworn
591 affidavit of parenthood or if the other parent contests the
592 determination of parenthood, the court may, after considering
593 the best interest of the child, order scientific testing to
594 determine the maternity or paternity of the child. The court
595 shall assess the cost of the maternity or paternity
596 determination as a cost of litigation. If the court finds the
597 prospective parent to be a parent as a result of the scientific
598 testing, the court shall enter a judgment of maternity or
599 paternity, shall assess the cost of the scientific testing to
600 the parent, and shall enter an amount of child support to be
601 paid by the parent as determined under s. 61.30. If the known
602 parent contests the recognition of the prospective parent as a
603 parent, the prospective parent shall not be recognized as a
604 parent until proceedings to determine maternity or paternity
605 under chapter 742 have been concluded. However, the prospective
606 parent shall continue to receive notice of hearings as a
607 participant until pending results of the chapter 742 proceedings
608 to determine maternity or paternity have been concluded.

609 (9) If the diligent search under subsection (5) fails to

590-04111-17

20171044c2

610 identify and locate a prospective parent, the court shall so
611 find and may proceed without further notice.

612 Section 8. Section 39.504, Florida Statutes, is amended to
613 read:

614 39.504 Injunction ~~pending disposition of petition;~~
615 penalty.—

616 (1) At any time after a protective investigation has been
617 initiated pursuant to part III of this chapter, the court, upon
618 the request of the department, a law enforcement officer, the
619 state attorney, or other responsible person, or upon its own
620 motion, may, if there is reasonable cause, issue an injunction
621 to prevent any act of child abuse. Reasonable cause for the
622 issuance of an injunction exists if there is evidence of child
623 abuse or if there is a reasonable likelihood of such abuse
624 occurring based upon a recent overt act or failure to act. If
625 there is a pending dependency proceeding regarding the child
626 whom the injunction is sought to protect, the judge hearing the
627 dependency proceeding must also hear the injunction proceeding
628 regarding the child.

629 (2) The petitioner seeking the injunction shall file a
630 verified petition, or a petition along with an affidavit,
631 setting forth the specific actions by the alleged offender from
632 which the child must be protected and all remedies sought. Upon
633 filing the petition, the court shall set a hearing to be held at
634 the earliest possible time. Pending the hearing, the court may
635 issue a temporary ex parte injunction, with verified pleadings
636 or affidavits as evidence. The temporary ex parte injunction
637 pending a hearing is effective for up to 15 days and the hearing
638 must be held within that period unless continued for good cause

590-04111-17

20171044c2

639 shown, which may include obtaining service of process, in which
640 case the temporary ex parte injunction shall be extended for the
641 continuance period. The hearing may be held sooner if the
642 alleged offender has received reasonable notice.

643 (3) Before the hearing, the alleged offender must be
644 personally served with a copy of the petition, all other
645 pleadings related to the petition, a notice of hearing, and, if
646 one has been entered, the temporary injunction. If the
647 petitioner is unable to locate the alleged offender for service
648 after a diligent search pursuant to the same requirements as in
649 s. 39.503 and the filing of an affidavit of diligent search, the
650 court may enter the injunction based on the sworn petition and
651 any affidavits. At the hearing, the court may base its
652 determination on a sworn petition, testimony, or an affidavit
653 and may hear all relevant and material evidence, including oral
654 and written reports, to the extent of its probative value even
655 though it would not be competent evidence at an adjudicatory
656 hearing. Following the hearing, the court may enter a final
657 injunction. The court may grant a continuance of the hearing at
658 any time for good cause shown by any party. If a temporary
659 injunction has been entered, it shall be continued during the
660 continuance.

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

665 (a) The injunction applies to the alleged or actual
666 offender in a case of child abuse or acts of domestic violence.
667 The conditions of the injunction shall be determined by the

590-04111-17

20171044c2

668 court, which may include ordering the alleged or actual offender
669 to:

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

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

- 682 1. Exclusive use and possession of the dwelling to the
683 caregiver or exclusion of the alleged or actual offender from
684 the residence of the caregiver.
- 685 2. Temporary support for the child or other family members.
- 686 3. The costs of medical, psychiatric, and psychological
687 treatment for the child incurred due to the abuse, and similar
688 costs for other family members.

689

690 This paragraph does not preclude an adult victim of domestic
691 violence from seeking protection for himself or herself under s.
692 741.30.

693 (c) The terms of the final injunction shall remain in
694 effect until modified or dissolved by the court. The petitioner,
695 respondent, or caregiver may move at any time to modify or
696 dissolve the injunction. Notice of hearing on the motion to

590-04111-17

20171044c2

697 modify or dissolve the injunction must be provided to all
698 parties, including the department. The injunction is valid and
699 enforceable in all counties in the state.

700 (5) Service of process on the respondent shall be carried
701 out pursuant to s. 741.30. The department shall deliver a copy
702 of any injunction issued pursuant to this section to the
703 protected party or to a parent, caregiver, or individual acting
704 in the place of a parent who is not the respondent. Law
705 enforcement officers may exercise their arrest powers as
706 provided in s. 901.15(6) to enforce the terms of the injunction.

707 (6) Any person who fails to comply with an injunction
708 issued pursuant to this section commits a misdemeanor of the
709 first degree, punishable as provided in s. 775.082 or s.
710 775.083.

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

714 Section 9. Paragraph (b) of subsection (7) of section
715 39.507, Florida Statutes, is amended to read:

716 39.507 Adjudicatory hearings; orders of adjudication.-

717 (7)

718 (b) However, the court must determine whether each parent
719 or legal custodian identified in the case abused, abandoned, or
720 neglected the child or engaged in conduct that placed the child
721 at substantial risk of imminent abuse, abandonment, or neglect
722 in a subsequent evidentiary hearing. If a second parent is
723 served and brought into the proceeding after the adjudication,
724 and an ~~the~~ evidentiary hearing for the second parent is
725 conducted ~~subsequent to the adjudication of the child,~~ the court

590-04111-17

20171044c2

726 shall supplement the adjudicatory order, disposition order, and
727 the case plan, as necessary. The petitioner is not required to
728 prove actual harm or actual abuse by the second parent in order
729 for the court to make supplemental findings regarding the
730 conduct of the second parent. The court is not required to
731 conduct an evidentiary hearing for the second parent in order to
732 supplement the adjudicatory order, the disposition order, and
733 the case plan if the requirements of s. 39.506(3) or (5) are
734 satisfied. With the exception of proceedings pursuant to s.
735 39.811, the child's dependency status may not be retried or
736 readjudicated.

737 Section 10. Paragraph (a) of subsection (2) of section
738 39.5085, Florida Statutes, is amended to read:

739 39.5085 Relative Caregiver Program.—

740 (2) (a) The Department of Children and Families shall
741 establish, ~~and operate,~~ and implement the Relative Caregiver
742 Program ~~pursuant to eligibility guidelines established in this~~
743 ~~section as further implemented~~ by rule of the department. The
744 Relative Caregiver Program shall, within the limits of available
745 funding, provide financial assistance to:

746 1. Relatives who are within the fifth degree by blood or
747 marriage to the parent or stepparent of a child and who are
748 caring full-time for that dependent child in the role of
749 substitute parent as a result of a court's determination of
750 child abuse, neglect, or abandonment and subsequent placement
751 with the relative under this chapter.

752 2. Relatives who are within the fifth degree by blood or
753 marriage to the parent or stepparent of a child and who are
754 caring full-time for that dependent child, and a dependent half-

590-04111-17

20171044c2

755 brother or half-sister of that dependent child, in the role of
756 substitute parent as a result of a court's determination of
757 child abuse, neglect, or abandonment and subsequent placement
758 with the relative under this chapter.

759 3. Nonrelatives who are willing to assume custody and care
760 of a dependent child in the role of substitute parent as a
761 result of a court's determination of child abuse, neglect, or
762 abandonment and subsequent placement with the nonrelative
763 caregiver under this chapter. The court must find that a
764 proposed placement under this subparagraph is in the best
765 interest of the child.

766 4. The relative or nonrelative caregiver may not receive a
767 Relative Caregiver Program payment if the parent or stepparent
768 of the child resides in the home. However, a relative or
769 nonrelative may receive the Relative Caregiver Program payment
770 for a minor parent who is in his or her care, as well as for the
771 minor parent's child, if both children have been adjudicated
772 dependent and meet all other eligibility requirements. If the
773 caregiver is currently receiving the payment, the Relative
774 Caregiver Program payment must be terminated no later than the
775 first of the following month after the parent or stepparent
776 moves into the home, allowing for 10-day notice of adverse
777 action.

778
779 The placement may be court-ordered temporary legal custody to
780 the relative or nonrelative under protective supervision of the
781 department pursuant to s. 39.521(1)(c)3. ~~s. 39.521(1)(b)3.~~, or
782 court-ordered placement in the home of a relative or nonrelative
783 as a permanency option under s. 39.6221 or s. 39.6231 or under

590-04111-17

20171044c2

784 former s. 39.622 if the placement was made before July 1, 2006.
785 The Relative Caregiver Program shall offer financial assistance
786 to caregivers who would be unable to serve in that capacity
787 without the caregiver payment because of financial burden, thus
788 exposing the child to the trauma of placement in a shelter or in
789 foster care.

790 Section 11. Subsections (1), (2), (6), and (7) of section
791 39.521, Florida Statutes, are amended to read:

792 39.521 Disposition hearings; powers of disposition.—

793 (1) A disposition hearing shall be conducted by the court,
794 if the court finds that the facts alleged in the petition for
795 dependency were proven in the adjudicatory hearing, or if the
796 parents or legal custodians have consented to the finding of
797 dependency or admitted the allegations in the petition, have
798 failed to appear for the arraignment hearing after proper
799 notice, or have not been located despite a diligent search
800 having been conducted.

801 (a) A written case plan and a family functioning assessment
802 ~~pre-disposition study~~ prepared by an authorized agent of the
803 department must be approved by ~~filed with~~ the court. The
804 department must file the case plan and the family functioning
805 assessment with the court, serve a copy of the case plan on,
806 ~~served upon~~ the parents of the child, and provide a copy of the
807 case plan provided to the representative of the guardian ad
808 litem program, if the program has been appointed, and provide a
809 copy provided to all other parties:

810 1. Not less than 72 hours before the disposition hearing,
811 if the disposition hearing occurs on or after the 60th day after
812 the child was placed in out-of-home care. All such case plans

590-04111-17

20171044c2

813 must be approved by the court.

814 2. Not less than 72 hours before the case plan acceptance
815 hearing, if the disposition hearing occurs before the 60th day
816 after the date the child was placed in out-of-home care and a
817 case plan has not been submitted pursuant to this paragraph, or
818 if the court does not approve the case plan at the disposition
819 hearing. The case plan acceptance hearing must occur ~~the court~~
820 ~~must set a hearing~~ within 30 days after the disposition hearing
821 to review and approve the case plan.

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

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

830 1. Require the parent and, when appropriate, the legal
831 custodian and the child to participate in treatment and services
832 identified as necessary. The court may require the person who
833 has custody or who is requesting custody of the child to submit
834 to a mental health or substance abuse disorder assessment or
835 evaluation. The order may be made only upon good cause shown and
836 pursuant to notice and procedural requirements provided under
837 the Florida Rules of Juvenile Procedure. The mental health
838 assessment or evaluation must be administered by a qualified
839 professional as defined in s. 39.01, and the substance abuse
840 assessment or evaluation must be administered by a qualified
841 professional as defined in s. 397.311. The court may also

590-04111-17

20171044c2

842 require such person to participate in and comply with treatment
843 and services identified as necessary, including, when
844 appropriate and available, participation in and compliance with
845 a mental health court program established under chapter 394 or a
846 treatment-based drug court program established under s. 397.334.
847 Adjudication of a child as dependent based upon evidence of harm
848 as defined in s. 39.01(30)(g) demonstrates good cause, and the
849 court shall require the parent whose actions caused the harm to
850 submit to a substance abuse disorder assessment or evaluation
851 and to participate and comply with treatment and services
852 identified in the assessment or evaluation as being necessary.

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

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

869 3. Require placement of the child either under the
870 protective supervision of an authorized agent of the department

590-04111-17

20171044c2

871 in the home of one or both of the child's parents or in the home
872 of a relative of the child or another adult approved by the
873 court, or in the custody of the department. Protective
874 supervision continues until the court terminates it or until the
875 child reaches the age of 18, whichever date is first. Protective
876 supervision shall be terminated by the court whenever the court
877 determines that permanency has been achieved for the child,
878 whether with a parent, another relative, or a legal custodian,
879 and that protective supervision is no longer needed. The
880 termination of supervision may be with or without retaining
881 jurisdiction, at the court's discretion, and shall in either
882 case be considered a permanency option for the child. The order
883 terminating supervision by the department must set forth the
884 powers of the custodian of the child and include the powers
885 ordinarily granted to a guardian of the person of a minor unless
886 otherwise specified. Upon the court's termination of supervision
887 by the department, further judicial reviews are not required if
888 permanency has been established for the child.

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

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

- 898 1. The placement or custody of the child.
- 899 2. Special conditions of placement and visitation.

590-04111-17

20171044c2

900 3. Evaluation, counseling, treatment activities, and other
901 actions to be taken by the parties, if ordered.

902 4. The persons or entities responsible for supervising or
903 monitoring services to the child and parent.

904 5. Continuation or discharge of the guardian ad litem, as
905 appropriate.

906 6. The date, time, and location of the next scheduled
907 review hearing, which must occur within the earlier of:

908 a. Ninety days after the disposition hearing;

909 b. Ninety days after the court accepts the case plan;

910 c. Six months after the date of the last review hearing; or

911 d. Six months after the date of the child's removal from
912 his or her home, if no review hearing has been held since the
913 child's removal from the home.

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

926 8.a. If the court does not commit the child to the
927 temporary legal custody of an adult relative, legal custodian,
928 or other adult approved by the court, the disposition order

590-04111-17

20171044c2

929 shall include the reasons for such a decision and shall include
930 a determination as to whether diligent efforts were made by the
931 department to locate an adult relative, legal custodian, or
932 other adult willing to care for the child in order to present
933 that placement option to the court instead of placement with the
934 department.

935 b. If no suitable relative is found and the child is placed
936 with the department or a legal custodian or other adult approved
937 by the court, both the department and the court shall consider
938 transferring temporary legal custody to an adult relative
939 approved by the court at a later date, but neither the
940 department nor the court is obligated to so place the child if
941 it is in the child's best interest to remain in the current
942 placement.

943

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

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

952 (f)~~(e)~~ If the court finds that an in-home safety plan
953 prepared or approved by the department ~~the prevention or~~
954 ~~reunification efforts of the department~~ will allow the child to
955 remain safely at home or that conditions for return have been
956 met and an in-home safety plan prepared or approved by the
957 department will allow the child to be safely returned to the

590-04111-17

20171044c2

958 home, the court shall allow the child to remain in or return to
959 the home after making a specific finding of fact that ~~the~~
960 ~~reasons for removal have been remedied to the extent that~~ the
961 child's safety, well-being, and physical, mental, and emotional
962 health will not be endangered.

963 (g) ~~(f)~~ If the court places the child in an out-of-home
964 placement, the disposition order must include a written
965 determination that the child cannot safely remain at home with
966 an in-home safety plan ~~reunification or family preservation~~
967 ~~services~~ and that removal of the child is necessary to protect
968 the child. If the child is removed before the disposition
969 hearing, the order must also include a written determination as
970 to whether, after removal, the department made a reasonable
971 effort to reunify the parent and child. Reasonable efforts to
972 reunify are not required if the court finds that any of the acts
973 listed in s. 39.806(1)(f)-(l) have occurred. The department has
974 the burden of demonstrating that it made reasonable efforts.

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

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

981 a. Enter written findings as to whether an in-home safety
982 plan could have prevented removal ~~prevention or reunification~~
983 ~~efforts were indicated.~~

984 b. If an in-home safety plan was ~~prevention or~~
985 ~~reunification efforts were~~ indicated, include a brief written
986 description of what appropriate and available safety management

590-04111-17

20171044c2

987 services ~~prevention and reunification efforts~~ were initiated
988 ~~made~~.

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

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

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

996 b. The department's assessment ~~appraisal by the department~~
997 of the home situation indicates a substantial and immediate
998 danger to the child's safety or physical, mental, or emotional
999 health which cannot be mitigated by the provision of safety
1000 management ~~preventive~~ services;

1001 c. The child cannot safely remain at home, because there
1002 are no safety management ~~preventive~~ services that can ensure the
1003 health and safety of the child or, even with appropriate and
1004 available services being provided, the health and safety of the
1005 child cannot be ensured; or

1006 d. The parent is alleged to have committed any of the acts
1007 listed as grounds for expedited termination of parental rights
1008 under s. 39.806(1)(f)-(1).

1009 4. A reasonable effort by the department for reunification
1010 has been made if the appraisal of the home situation by the
1011 department indicates that the severity of the conditions of
1012 dependency is such that reunification efforts are inappropriate.
1013 The department has the burden of demonstrating to the court that
1014 reunification efforts were inappropriate.

1015 5. If the court finds that the provision of safety

590-04111-17

20171044c2

1016 management services by ~~prevention or reunification effort~~ of the
1017 department would not have permitted the child to remain safely
1018 at home, the court may commit the child to the temporary legal
1019 custody of the department or take any other action authorized by
1020 this chapter.

1021 (2) The family functioning assessment ~~predisposition study~~
1022 must provide the court with the following documented
1023 information:

1024 (a) Evidence of maltreatment and the circumstances
1025 accompanying the maltreatment.

1026 (b) Identification of all danger threats active in the
1027 home.

1028 (c) An assessment of the adult functioning of the parents.

1029 (d) An assessment of general parenting practices and the
1030 parent's disciplinary approach and behavior management methods.

1031 (e) An assessment of the parent's behavioral, emotional,
1032 and cognitive protective capacities.

1033 (f) An assessment of child functioning.

1034 (g) A safety analysis describing the capacity for an in-
1035 home safety plan to control the conditions that result in the
1036 child being unsafe and the specific actions necessary to keep
1037 the child safe.

1038 (h) Identification of the conditions for return which would
1039 allow the child to be placed safely back into the home with an
1040 in-home safety plan and any safety management services necessary
1041 to ensure the child's safety.

1042 (a) ~~The capacity and disposition of the parents to provide~~
1043 ~~the child with food, clothing, medical care, or other remedial~~
1044 ~~care recognized and permitted under the laws of this state in~~

590-04111-17

20171044c2

1045 ~~lieu of medical care, and other material needs.~~

1046 ~~(b) The length of time the child has lived in a stable,~~
1047 ~~satisfactory environment and the desirability of maintaining~~
1048 ~~continuity.~~

1049 ~~(c) The mental and physical health of the parents.~~

1050 ~~(d) The home, school, and community record of the child.~~

1051 (i)~~(e)~~ The reasonable preference of the child, if the court
1052 deems the child to be of sufficient intelligence, understanding,
1053 and experience to express a preference.

1054 ~~(f) Evidence of domestic violence or child abuse.~~

1055 ~~(g) An assessment defining the dangers and risks of~~
1056 ~~returning the child home, including a description of the changes~~
1057 ~~in and resolutions to the initial risks.~~

1058 ~~(h) A description of what risks are still present and what~~
1059 ~~resources are available and will be provided for the protection~~
1060 ~~and safety of the child.~~

1061 ~~(i) A description of the benefits of returning the child~~
1062 ~~home.~~

1063 ~~(j) A description of all unresolved issues.~~

1064 (j)~~(k)~~ Child welfare ~~A Florida Abuse Hotline Information~~
1065 ~~System (FAHIS) history~~ from the Statewide Automated Child
1066 Welfare Information System (SACWIS) and criminal records check
1067 for all caregivers, family members, and individuals residing
1068 within the household from which the child was removed.

1069 (k)~~(l)~~ The complete report and recommendation of the child
1070 protection team of the Department of Health or, if no report
1071 exists, a statement reflecting that no report has been made.

1072 (l)~~(m)~~ All opinions or recommendations from other
1073 professionals or agencies that provide evaluative, social,

590-04111-17

20171044c2

1074 reunification, or other services to the parent and child.

1075 (m)~~(n)~~ A listing of appropriate and available safety
 1076 management ~~prevention and reunification~~ services for the parent
 1077 and child to prevent the removal of the child from the home or
 1078 to reunify the child with the parent after removal and an ~~to~~
 1079 ~~reunify the child with the parent after removal, including the~~
 1080 ~~availability of family preservation services and an~~ explanation
 1081 of the following:

1082 1. If the services were or were not provided.

1083 2. If the services were provided, the outcome of the
 1084 services.

1085 3. If the services were not provided, why they were not
 1086 provided.

1087 4. If the services are currently being provided and if they
 1088 need to be continued.

1089 ~~(o) A listing of other prevention and reunification~~
 1090 ~~services that were available but determined to be inappropriate~~
 1091 ~~and why.~~

1092 ~~(p) Whether dependency mediation was provided.~~

1093 (n)~~(q)~~ If the child has been removed from the home and
 1094 there is a parent who may be considered for custody pursuant to
 1095 this section, a recommendation as to whether placement of the
 1096 child with that parent would be detrimental to the child.

1097 (o)~~(r)~~ If the child has been removed from the home and will
 1098 be remaining with a relative, parent, or other adult approved by
 1099 the court, a home study report concerning the proposed placement
 1100 shall be provided to the court ~~included in the predisposition~~
 1101 ~~report~~. Before recommending to the court any out-of-home
 1102 placement for a child other than placement in a licensed shelter

590-04111-17

20171044c2

1103 or foster home, the department shall conduct a study of the home
1104 of the proposed legal custodians, which must include, at a
1105 minimum:

1106 1. An interview with the proposed legal custodians to
1107 assess their ongoing commitment and ability to care for the
1108 child.

1109 2. Records checks through the State Automated Child Welfare
1110 Information System (SACWIS), and local and statewide criminal
1111 and juvenile records checks through the Department of Law
1112 Enforcement, on all household members 12 years of age or older.
1113 In addition, the fingerprints of any household members who are
1114 18 years of age or older may be submitted to the Department of
1115 Law Enforcement for processing and forwarding to the Federal
1116 Bureau of Investigation for state and national criminal history
1117 information. The department has the discretion to request State
1118 Automated Child Welfare Information System (SACWIS) and local,
1119 statewide, and national criminal history checks and
1120 fingerprinting of any other visitor to the home who is made
1121 known to the department. Out-of-state criminal records checks
1122 must be initiated for any individual who has resided in a state
1123 other than Florida if that state's laws allow the release of
1124 these records. The out-of-state criminal records must be filed
1125 with the court within 5 days after receipt by the department or
1126 its agent.

1127 3. An assessment of the physical environment of the home.

1128 4. A determination of the financial security of the
1129 proposed legal custodians.

1130 5. A determination of suitable child care arrangements if
1131 the proposed legal custodians are employed outside of the home.

590-04111-17

20171044c2

1132 6. Documentation of counseling and information provided to
1133 the proposed legal custodians regarding the dependency process
1134 and possible outcomes.

1135 7. Documentation that information regarding support
1136 services available in the community has been provided to the
1137 proposed legal custodians.

1138 8. The reasonable preference of the child, if the court
1139 deems the child to be of sufficient intelligence, understanding,
1140 and experience to express a preference.

1141
1142 The department may not place the child or continue the placement
1143 of the child in a home under shelter or postdisposition
1144 placement if the results of the home study are unfavorable,
1145 unless the court finds that this placement is in the child's
1146 best interest.

1147 (p)~~(s)~~ If the child has been removed from the home, a
1148 determination of the amount of child support each parent will be
1149 required to pay pursuant to s. 61.30.

1150 ~~(t) If placement of the child with anyone other than the~~
1151 ~~child's parent is being considered, the predisposition study~~
1152 ~~shall include the designation of a specific length of time as to~~
1153 ~~when custody by the parent will be reconsidered.~~

1154
1155 Any other relevant and material evidence, including other
1156 written or oral reports, may be received by the court in its
1157 effort to determine the action to be taken with regard to the
1158 child and may be relied upon to the extent of its probative
1159 value, even though not competent in an adjudicatory hearing.
1160 Except as otherwise specifically provided, nothing in this

590-04111-17

20171044c2

1161 section prohibits the publication of proceedings in a hearing.

1162 (6) With respect to a child who is the subject in
1163 proceedings under this chapter, the court may issue to the
1164 department an order to show cause why it should not return the
1165 child to the custody of the parents upon the presentation of
1166 evidence that the conditions for return of the child have been
1167 met ~~expiration of the case plan, or sooner if the parents have~~
1168 ~~substantially complied with the case plan.~~

1169 (7) The court may enter an order ending its jurisdiction
1170 over a child when a child has been returned to the parents,
1171 provided the court shall not terminate its jurisdiction or the
1172 department's supervision over the child until 6 months after the
1173 child's return. The department shall supervise the placement of
1174 the child after reunification for at least 6 months with each
1175 parent or legal custodian from whom the child was removed. The
1176 court shall determine whether its jurisdiction should be
1177 continued or terminated in such a case based on a report of the
1178 department or agency or the child's guardian ad litem, and any
1179 other relevant factors; if its jurisdiction is to be terminated,
1180 the court shall enter an order to that effect.

1181 Section 12. Subsections (2) and (3) of section 39.522,
1182 Florida Statutes, are amended to read:

1183 39.522 Postdisposition change of custody.—The court may
1184 change the temporary legal custody or the conditions of
1185 protective supervision at a postdisposition hearing, without the
1186 necessity of another adjudicatory hearing.

1187 (2) In cases where the issue before the court is whether a
1188 child should be reunited with a parent, the court shall review
1189 the conditions for return and determine whether the

590-04111-17

20171044c2

1190 circumstances that caused the out-of-home placement and issues
1191 subsequently identified have been remedied ~~parent has~~
1192 ~~substantially complied with the terms of the case plan to the~~
1193 extent that the return of the child to the home with an in-home
1194 safety plan prepared or approved by the department will not be
1195 detrimental to the child's safety, well-being, and physical,
1196 mental, and emotional health ~~of the child is not endangered by~~
1197 ~~the return of the child to the home.~~

1198 (3) In cases where the issue before the court is whether a
1199 child who is placed in the custody of a parent should be
1200 reunited with the other parent upon a finding that the
1201 circumstances that caused the out-of-home placement and issues
1202 subsequently identified have been remedied to the extent that
1203 the return of the child to the home of the other parent with an
1204 in-home safety plan prepared or approved by the department will
1205 not be detrimental to the child ~~of substantial compliance with~~
1206 ~~the terms of the case plan,~~ the standard shall be that the
1207 safety, well-being, and physical, mental, and emotional health
1208 of the child would not be endangered by reunification and that
1209 reunification would be in the best interest of the child.

1210 Section 13. Effective January 1, 2018, section 39.523,
1211 Florida Statutes, is amended to read:

1212 (Substantial rewording of section. See
1213 s. 39.523, F.S., for present text.)

1214 39.523 Placement in out-of-home care.-

1215 (1) LEGISLATIVE FINDINGS AND INTENT.-

1216 (a) The Legislature finds that it is a basic tenet of child
1217 welfare practice and the law that children be placed in the
1218 least restrictive, most family-like setting available in close

590-04111-17

20171044c2

1219 proximity to the home of their parents, consistent with the best
1220 interests and needs of the child, and that children be placed in
1221 permanent homes in a timely manner.

1222 (b) The Legislature also finds that there is an association
1223 between frequent placement changes and adverse outcomes for the
1224 child, that mismatching placements to children's needs has been
1225 identified as a factor that negatively impacts placement
1226 stability, and that identifying the right placement for each
1227 child requires effective assessment.

1228 (c) It is the intent of the Legislature that whenever a
1229 child is unable to safely remain at home with a parent, the most
1230 appropriate available out-of-home placement shall be chosen
1231 after an assessment of the child's needs and the availability of
1232 caregivers qualified to meet the child's needs.

1233 (2) ASSESSMENT AND PLACEMENT.—When any child is removed
1234 from a home and placed into out-of-home care, a comprehensive
1235 placement assessment process shall be completed to determine the
1236 level of care needed by the child and match the child with the
1237 most appropriate placement.

1238 (a) The community-based care lead agency or sub-contracted
1239 agency with the responsibility for assessment and placement must
1240 coordinate a multi-disciplinary team staffing with any available
1241 individual currently involved with the child including, but not
1242 limited to, a representative from the department and the case
1243 manager for the child; a therapist, attorney ad-litem, guardian
1244 ad litem, teachers, coaches, Children's Medical Services; and
1245 other community providers of services to the child or
1246 stakeholders as applicable. The team should also include clergy,
1247 relatives and fictive kin. Team participants must gather data

590-04111-17

20171044c2

1248 and information on the child that is known at the time
1249 including, but not limited to:

1250 1. Mental, medical, behavioral health and medication
1251 history;

1252 2. Community ties and school placement;

1253 3. Current placement decisions relating to any siblings;

1254 4. Alleged type of abuse or neglect including sexual abuse
1255 and trafficking history; and

1256 5. The child's age, maturity, strengths, hobbies or
1257 activities, and the child's preference for placement.

1258 (b) The comprehensive placement assessment process may also
1259 include the use of an assessment instrument or tool that is best
1260 sued for the individual child.

1261 (c) The most appropriate available out-of-home placement
1262 shall be chosen after consideration by all members of the multi-
1263 disciplinary team of all of the information and data gathered,
1264 including the results and recommendations of any evaluations
1265 conducted.

1266 (d) Placement decisions for each child in out-of-home
1267 placement must be reviewed as often as necessary to ensure that
1268 permanency issues related to this population of children are
1269 addressed.

1270 (e) The department shall document all placement assessments
1271 and placement decisions in the Florida Safe Families Network.

1272 (f) If it is determined during the comprehensive placement
1273 assessment process that residential treatment as defined in s.
1274 39.407 would be suitable for the child, the procedures in that
1275 section must be followed.

1276 (3) JUDICIAL REVIEW.—At each judicial review, the court

590-04111-17

20171044c2

1277 shall consider the results of the assessment, the placement
1278 decision made for the child, and the services provided to the
1279 child as required under s. 39.701.

1280 (4) DATA COLLECTION.—The department shall collect the
1281 following information by community-based care lead agency and
1282 post it on the Department of Children and Families' website. The
1283 information must be updated on January 1 and July 1 of each
1284 year.

1285 (a) The number of children placed with relatives and
1286 nonrelatives, in family foster homes, and in residential group
1287 care.

1288 (b) An inventory of available services that are necessary
1289 to maintain children in the least restrictive settings and a
1290 plan for filling any identified gap in those services.

1291 (c) The number of children who were placed based upon the
1292 assessment.

1293 (d) An inventory of existing placements for children by
1294 type and by community-based care lead agency.

1295 (e) The strategies being used by community-based care lead
1296 agencies to recruit, train, and support an adequate number of
1297 families to provide home-based family care.

1298 (5) RULEMAKING.—The department may adopt rules necessary to
1299 carry out the provisions of this section.

1300 Section 14. Section 39.6001, Florida Statutes, is created
1301 to read:

1302 39.6001 Safe care plans for substance-exposed newborns.—The
1303 department, in partnership with the Department of Health, the
1304 Agency for Health Care Administration, other state agencies, and
1305 community partners, shall develop a strategy for coordinated

590-04111-17

20171044c2

1306 services to ensure the safety and well-being of newborns with
1307 prenatal substance exposure by creating, implementing, and
1308 monitoring safe care plans. A safe care plan is a written plan
1309 for a newborn with prenatal substance abuse exposure following
1310 the newborn's release from the care of a health care provider.
1311 The plan must address the health and substance abuse disorder
1312 treatment needs of the newborn through infancy and the affected
1313 family or caregiver. The department shall monitor such plans to
1314 ensure appropriate referrals are made and services are delivered
1315 to the newborn and the affected family or caregiver.

1316 Section 15. Subsection (1) of section 39.6011, Florida
1317 Statutes, is amended to read:

1318 39.6011 Case plan development.—

1319 (1) The department shall prepare a draft of the case plan
1320 for each child receiving services under this chapter. A parent
1321 of a child may not be threatened or coerced with the loss of
1322 custody or parental rights for failing to admit in the case plan
1323 of abusing, neglecting, or abandoning a child. Participating in
1324 the development of a case plan is not an admission to any
1325 allegation of abuse, abandonment, or neglect, and it is not a
1326 consent to a finding of dependency or termination of parental
1327 rights. The case plan shall be developed subject to the
1328 following requirements:

1329 (a) The case plan must be developed in a face-to-face
1330 conference with the parent of the child, any court-appointed
1331 guardian ad litem, and, if appropriate, the child and the
1332 temporary custodian of the child.

1333 (b) Notwithstanding s. 39.202, the department may discuss
1334 confidential information during the case planning conference in

590-04111-17

20171044c2

1335 the presence of individuals who participate in the conference.
1336 All individuals who participate in the conference shall maintain
1337 the confidentiality of all information shared during the case
1338 planning conference.

1339 (c)~~(b)~~ The parent may receive assistance from any person or
1340 social service agency in preparing the case plan. The social
1341 service agency, the department, and the court, when applicable,
1342 shall inform the parent of the right to receive such assistance,
1343 including the right to assistance of counsel.

1344 (d)~~(e)~~ If a parent is unwilling or unable to participate in
1345 developing a case plan, the department shall document that
1346 unwillingness or inability to participate. The documentation
1347 must be provided in writing to the parent when available for the
1348 court record, and the department shall prepare a case plan
1349 conforming as nearly as possible with the requirements set forth
1350 in this section. The unwillingness or inability of the parent to
1351 participate in developing a case plan does not preclude the
1352 filing of a petition for dependency or for termination of
1353 parental rights. The parent, if available, must be provided a
1354 copy of the case plan and be advised that he or she may, at any
1355 time before the filing of a petition for termination of parental
1356 rights, enter into a case plan and that he or she may request
1357 judicial review of any provision of the case plan with which he
1358 or she disagrees at any court hearing set for the child.

1359 Section 16. Subsection (1) of section 39.6012, Florida
1360 Statutes, is amended to read:

1361 39.6012 Case plan tasks; services.—

1362 (1) The services to be provided to the parent and the tasks
1363 that must be completed are subject to the following:

590-04111-17

20171044c2

1364 (a) The services described in the case plan must be
1365 designed to improve the conditions in the home and aid in
1366 maintaining the child in the home, facilitate the child's safe
1367 return to the home, ensure proper care of the child, or
1368 facilitate the child's permanent placement. The services offered
1369 must be the least intrusive possible into the life of the parent
1370 and child, must focus on clearly defined objectives, and must
1371 provide the most efficient path to quick reunification or
1372 permanent placement given the circumstances of the case and the
1373 child's need for safe and proper care.

1374 (b) The case plan must describe each of the tasks with
1375 which the parent must comply and the services to be provided to
1376 the parent, specifically addressing the identified problem,
1377 including:

- 1378 1. The type of services or treatment.
- 1379 2. The date the department will provide each service or
1380 referral for the service if the service is being provided by the
1381 department or its agent.
- 1382 3. The date by which the parent must complete each task.
- 1383 4. The frequency of services or treatment provided. The
1384 frequency of the delivery of services or treatment provided
1385 shall be determined by the professionals providing the services
1386 or treatment on a case-by-case basis and adjusted according to
1387 their best professional judgment.
- 1388 5. The location of the delivery of the services.
- 1389 6. The staff of the department or service provider
1390 accountable for the services or treatment.
- 1391 7. A description of the measurable objectives, including
1392 the timeframes specified for achieving the objectives of the

590-04111-17

20171044c2

1393 case plan and addressing the identified problem.

1394 (c) If there is evidence of harm as defined in s.
1395 39.01(30)(g), the case plan must include as a required task for
1396 the parent whose actions caused the harm that the parent submit
1397 to a substance abuse disorder assessment or evaluation and
1398 participate and comply with treatment and services identified in
1399 the assessment or evaluation as being necessary.

1400 Section 17. Subsection (7) is added to section 39.6221,
1401 Florida Statutes, to read:

1402 39.6221 Permanent guardianship of a dependent child.—

1403 (7) The requirements of s. 61.13001 do not apply to
1404 permanent guardianships established under this section.

1405 Section 18. Paragraph (h) is added to subsection (1) of
1406 section 39.701, Florida Statutes, to read:

1407 39.701 Judicial review.—

1408 (1) GENERAL PROVISIONS.—

1409 (h) If a child is born into a family that is under the
1410 court's jurisdiction or a child moves into a home that is under
1411 the court's jurisdiction, the department shall assess the
1412 child's safety and provide notice to the court.

1413 1. The department shall complete an assessment to determine
1414 how the addition of a child will impact family functioning. The
1415 assessment must be completed at least 30 days before a child is
1416 expected to be born or to move into a home, or within 72 hours
1417 after the department learns of the pregnancy or addition if the
1418 child is expected to be born or to move into the home in less
1419 than 30 days. The assessment shall be filed with the court.

1420 2. Once a child is born into a family or a child moves into
1421 the home, the department shall complete a progress update and

590-04111-17

20171044c2

1422 file it with the court.

1423 3. The court has the discretion to hold a hearing on the
1424 progress update filed by the department.

1425 4. The department shall adopt rules to implement this
1426 subsection.

1427 Section 19. Subsection (3) of section 39.801, Florida
1428 Statutes, is amended to read:

1429 39.801 Procedures and jurisdiction; notice; service of
1430 process.—

1431 (3) Before the court may terminate parental rights, in
1432 addition to the other requirements set forth in this part, the
1433 following requirements must be met:

1434 (a) Notice of the date, time, and place of the advisory
1435 hearing for the petition to terminate parental rights and a copy
1436 of the petition must be personally served upon the following
1437 persons, specifically notifying them that a petition has been
1438 filed:

1439 1. The parents of the child.

1440 2. The legal custodians of the child.

1441 3. If the parents who would be entitled to notice are dead
1442 or unknown, a living relative of the child, unless upon diligent
1443 search and inquiry no such relative can be found.

1444 4. Any person who has physical custody of the child.

1445 5. Any grandparent entitled to priority for adoption under
1446 s. 63.0425.

1447 6. Any prospective parent who has been identified under s.
1448 39.503 or s. 39.803, unless a court order has been entered
1449 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1450 indicates no further notice is required. Except as otherwise

590-04111-17

20171044c2

1451 provided in this section, if there is not a legal father, notice
1452 of the petition for termination of parental rights must be
1453 provided to any known prospective father who is identified under
1454 oath before the court or who is identified by a diligent search
1455 of the Florida Putative Father Registry. Service of the notice
1456 of the petition for termination of parental rights is not
1457 required if the prospective father executes an affidavit of
1458 nonpaternity or a consent to termination of his parental rights
1459 which is accepted by the court after notice and opportunity to
1460 be heard by all parties to address the best interests of the
1461 child in accepting such affidavit.

1462 7. The guardian ad litem for the child or the
1463 representative of the guardian ad litem program, if the program
1464 has been appointed.

1465
1466 The document containing the notice to respond or appear must
1467 contain, in type at least as large as the type in the balance of
1468 the document, the following or substantially similar language:
1469 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
1470 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
1471 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
1472 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
1473 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
1474 NOTICE."

1475 (b) If a party required to be served with notice as
1476 prescribed in paragraph (a) cannot be served, notice of hearings
1477 must be given as prescribed by the rules of civil procedure, and
1478 service of process must be made as specified by law or civil
1479 actions.

590-04111-17

20171044c2

1480 (c) Notice as prescribed by this section may be waived, in
1481 the discretion of the judge, with regard to any person to whom
1482 notice must be given under this subsection if the person
1483 executes, before two witnesses and a notary public or other
1484 officer authorized to take acknowledgments, a written surrender
1485 of the child to a licensed child-placing agency or the
1486 department.

1487 (d) If the person served with notice under this section
1488 fails to personally appear at the advisory hearing, the failure
1489 to personally appear shall constitute consent for termination of
1490 parental rights by the person given notice. If a parent appears
1491 for the advisory hearing and the court orders that parent to
1492 personally appear at the adjudicatory hearing for the petition
1493 for termination of parental rights, stating the date, time, and
1494 location of said hearing, then failure of that parent to
1495 personally appear at the adjudicatory hearing shall constitute
1496 consent for termination of parental rights.

1497 Section 20. Section 39.803, Florida Statutes, is amended to
1498 read:

1499 39.803 Identity or location of parent unknown after filing
1500 of termination of parental rights petition; special procedures.-

1501 (1) If the identity or location of a parent is unknown and
1502 a petition for termination of parental rights is filed, the
1503 court shall conduct under oath the following inquiry of the
1504 parent who is available, or, if no parent is available, of any
1505 relative, caregiver, or legal custodian of the child who is
1506 present at the hearing and likely to have the information:

1507 (a) Whether the mother of the child was married at the
1508 probable time of conception of the child or at the time of birth

590-04111-17

20171044c2

1509 of the child.

1510 (b) Whether the mother was cohabiting with a male at the
1511 probable time of conception of the child.

1512 (c) Whether the mother has received payments or promises of
1513 support with respect to the child or because of her pregnancy
1514 from a man who claims to be the father.

1515 (d) Whether the mother has named any man as the father on
1516 the birth certificate of the child or in connection with
1517 applying for or receiving public assistance.

1518 (e) Whether any man has acknowledged or claimed paternity
1519 of the child in a jurisdiction in which the mother resided at
1520 the time of or since conception of the child, or in which the
1521 child has resided or resides.

1522 (f) Whether a man is named on the birth certificate of the
1523 child pursuant to s. 382.013(2).

1524 (g) Whether a man has been determined by a court order to
1525 be the father of the child.

1526 (h) Whether a man has been determined by an administrative
1527 proceeding to be the father of the child.

1528 (2) The information required in subsection (1) may be
1529 supplied to the court or the department in the form of a sworn
1530 affidavit by a person having personal knowledge of the facts.

1531 (3) If the inquiry under subsection (1) identifies any
1532 person as a parent or prospective parent, the court shall
1533 require notice of the hearing to be provided to that person.

1534 (4) If the inquiry under subsection (1) fails to identify
1535 any person as a parent or prospective parent, the court shall so
1536 find and may proceed without further notice.

1537 (5) If the inquiry under subsection (1) identifies a parent

590-04111-17

20171044c2

1538 or prospective parent, and that person's location is unknown,
1539 the court shall direct the petitioner to conduct a diligent
1540 search for that person before scheduling an adjudicatory hearing
1541 regarding the petition for termination of parental rights to the
1542 child unless the court finds that the best interest of the child
1543 requires proceeding without actual notice to the person whose
1544 location is unknown.

1545 (6) The diligent search required by subsection (5) must
1546 include, at a minimum, inquiries of all known relatives of the
1547 parent or prospective parent, inquiries of all offices of
1548 program areas of the department likely to have information about
1549 the parent or prospective parent, inquiries of other state and
1550 federal agencies likely to have information about the parent or
1551 prospective parent, inquiries of appropriate utility and postal
1552 providers, a thorough search of at least one electronic database
1553 specifically designed for locating persons, a search of the
1554 Florida Putative Father Registry, and inquiries of appropriate
1555 law enforcement agencies. Pursuant to s. 453 of the Social
1556 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the
1557 state agency administering Titles IV-B and IV-E of the act,
1558 shall be provided access to the federal and state parent locator
1559 service for diligent search activities.

1560 (7) Any agency contacted by petitioner with a request for
1561 information pursuant to subsection (6) shall release the
1562 requested information to the petitioner without the necessity of
1563 a subpoena or court order.

1564 (8) If the inquiry and diligent search identifies a
1565 prospective parent, that person must be given the opportunity to
1566 become a party to the proceedings by completing a sworn

590-04111-17

20171044c2

1567 affidavit of parenthood and filing it with the court or the
1568 department. A prospective parent who files a sworn affidavit of
1569 parenthood while the child is a dependent child but no later
1570 than at the time of or before ~~prior to~~ the adjudicatory hearing
1571 in the termination of parental rights proceeding for the child
1572 shall be considered a parent for all purposes under this
1573 section. If the prospective parent does not file a sworn
1574 affidavit of parenthood or if the other parent contests the
1575 determination of parenthood, the court may, after considering
1576 the best interests of the child, order scientific testing to
1577 determine the maternity or paternity of the child. The court
1578 shall assess the cost of the paternity determination as a cost
1579 of litigation. If the court finds the prospective parent to be a
1580 parent as a result of the scientific testing, the court shall
1581 enter a judgment of maternity or paternity, shall assess the
1582 cost of the scientific testing to the parent, and shall enter an
1583 amount of child support to be paid by the parent as determined
1584 under s. 61.30. If the known parent contests the recognition of
1585 the prospective parent as a parent, the prospective parent may
1586 not be recognized as a parent until proceedings to establish
1587 maternity or paternity have been concluded. However, the
1588 prospective parent shall continue to receive notice of hearings
1589 as a participant until proceedings to establish maternity or
1590 paternity have been concluded.

1591 (9) If the diligent search under subsection (5) fails to
1592 identify and locate a prospective parent, the court shall so
1593 find and may proceed without further notice.

1594 Section 21. Paragraph (1) of subsection (1) of section
1595 39.806, Florida Statutes, is amended, and subsections (2) and

590-04111-17

20171044c2

1596 (3) are republished, to read:

1597 39.806 Grounds for termination of parental rights.—

1598 (1) Grounds for the termination of parental rights may be
1599 established under any of the following circumstances:

1600 (1) On three or more occasions the child or another child
1601 of the parent or parents has been placed in out-of-home care
1602 pursuant to this chapter or the law of any state, territory, or
1603 jurisdiction of the United States which is substantially similar
1604 to this chapter, and the conditions that led to the child's out-
1605 of-home placement were caused by the parent or parents.

1606 (2) Reasonable efforts to preserve and reunify families are
1607 not required if a court of competent jurisdiction has determined
1608 that any of the events described in paragraphs (1)(b)-(d) or
1609 paragraphs (1)(f)-(m) have occurred.

1610 (3) If a petition for termination of parental rights is
1611 filed under subsection (1), a separate petition for dependency
1612 need not be filed and the department need not offer the parents
1613 a case plan having a goal of reunification, but may instead file
1614 with the court a case plan having a goal of termination of
1615 parental rights to allow continuation of services until the
1616 termination is granted or until further orders of the court are
1617 issued.

1618 Section 22. Subsection (6) of section 39.811, Florida
1619 Statutes, is amended to read:

1620 39.811 Powers of disposition; order of disposition.—

1621 (6) The parental rights of one parent may be severed
1622 without severing the parental rights of the other parent only
1623 under the following circumstances:

1624 (a) If the child has only one surviving parent;

590-04111-17

20171044c2

1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653

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

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

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

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

Section 23. Paragraph (b) of subsection (4) of section 125.901, Florida Statutes, is amended to read:

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

(4)

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

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

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

b. A referendum by the electorate on or after July 1, 2010,

590-04111-17

20171044c2

1654 creating a new district with taxing authority may specify that
1655 the district is not subject to reauthorization or may specify
1656 the number of years for which the initial authorization shall
1657 remain effective. If the referendum does not prescribe terms of
1658 reauthorization, the governing body of the county shall submit
1659 the question of retention or dissolution of the district to the
1660 electorate in the general election 12 years after the initial
1661 authorization.

1662 2. The governing body of the district may specify, and
1663 submit to the governing body of the county no later than 9
1664 months before the scheduled election, that the district is not
1665 subsequently subject to reauthorization or may specify the
1666 number of years for which a reauthorization under this paragraph
1667 shall remain effective. If the governing body of the district
1668 makes such specification and submission, the governing body of
1669 the county shall include that information in the question
1670 submitted to the electorate. If the governing body of the
1671 district does not specify and submit such information, the
1672 governing body of the county shall resubmit the question of
1673 reauthorization to the electorate every 12 years after the year
1674 prescribed in subparagraph 1. The governing body of the district
1675 may recommend to the governing body of the county language for
1676 the question submitted to the electorate.

1677 3. Nothing in this paragraph limits the authority to
1678 dissolve a district as provided under paragraph (a).

1679 4. Nothing in this paragraph precludes the governing body
1680 of a district from requesting that the governing body of the
1681 county submit the question of retention or dissolution of a
1682 district with voter-approved taxing authority to the electorate

590-04111-17

20171044c2

1683 at a date earlier than the year prescribed in subparagraph 1. If
1684 the governing body of the county accepts the request and submits
1685 the question to the electorate, the governing body satisfies the
1686 requirement of that subparagraph.

1687

1688 If any district is dissolved pursuant to this subsection, each
1689 county must first obligate itself to assume the debts,
1690 liabilities, contracts, and outstanding obligations of the
1691 district within the total millage available to the county
1692 governing body for all county and municipal purposes as provided
1693 for under s. 9, Art. VII of the State Constitution. Any district
1694 may also be dissolved pursuant to part VII of chapter 189.

1695 Section 24. Subsection (9) of section 322.051, Florida
1696 Statutes, is amended to read:

1697 322.051 Identification cards.—

1698 (9) (a) Notwithstanding any other provision of this section
1699 or s. 322.21 to the contrary, the department shall issue or
1700 renew a card at no charge to a person who presents evidence
1701 satisfactory to the department that he or she is homeless as
1702 defined in s. 414.0252(7), to a juvenile offender who is in the
1703 custody or under the supervision of the Department of Juvenile
1704 Justice and receiving services pursuant to s. 985.461, to an
1705 inmate receiving a card issued pursuant to s. 944.605(7), or, if
1706 necessary, to an inmate receiving a replacement card if the
1707 department determines that he or she has a valid state
1708 identification card. If the replacement state identification
1709 card is scheduled to expire within 6 months, the department may
1710 also issue a temporary permit valid for at least 6 months after
1711 the release date. The department's mobile issuing units shall

590-04111-17

20171044c2

1712 process the identification cards for juvenile offenders and
1713 inmates at no charge, as provided by s. 944.605 (7) (a) and (b).

1714 (b) If the person who presents evidence that he or she is a
1715 certified unaccompanied homeless youth as defined in s. 743.067,
1716 the back of the card must exhibit the following: As a certified
1717 unaccompanied homeless youth, this individual may consent to
1718 diagnosis and treatment and any forensic medical examination
1719 authorized pursuant to s. 743.067, F.S.

1720 Section 25. Paragraph (g) of subsection (4) of section
1721 395.3025, Florida Statutes, is amended, and subsection (8) of
1722 that section is republished, to read:

1723 395.3025 Patient and personnel records; copies;
1724 examination.—

1725 (4) Patient records are confidential and must not be
1726 disclosed without the consent of the patient or his or her legal
1727 representative, but appropriate disclosure may be made without
1728 such consent to:

1729 (g) The Department of Children and Families, ~~or~~ or its agent,
1730 or its contracted entity, for the purpose of investigations of
1731 or services for cases of abuse, neglect, or exploitation of
1732 children or vulnerable adults.

1733 (8) Patient records at hospitals and ambulatory surgical
1734 centers are exempt from disclosure under s. 119.07(1), except as
1735 provided by subsections (1)-(5).

1736 Section 26. Subsections (2) and (6) of section 402.40,
1737 Florida Statutes, are amended to read:

1738 402.40 Child welfare training and certification.—

1739 (2) DEFINITIONS.—As used in this section, the term:

1740 (a) "Child welfare certification" means a professional

590-04111-17

20171044c2

1741 credential awarded by a department-approved third-party
1742 credentialing entity to individuals demonstrating core
1743 competency in any child welfare practice area.

1744 (b) "Child welfare services" means any intake, protective
1745 investigations, preprotective services, protective services,
1746 foster care, shelter and group care, and adoption and related
1747 services program, including supportive services and supervision
1748 provided to children who are alleged to have been abused,
1749 abandoned, or neglected or who are at risk of becoming, are
1750 alleged to be, or have been found dependent pursuant to chapter
1751 39.

1752 (c) "Child welfare trainer" means any person providing
1753 training for the purposes of child welfare professionals earning
1754 certification.

1755 (d)~~(e)~~ "Core competency" means the minimum knowledge,
1756 skills, and abilities necessary to carry out work
1757 responsibilities.

1758 (e)~~(d)~~ "Person providing child welfare services" means a
1759 person who has a responsibility for supervisory, direct care, or
1760 support-related work in the provision of child welfare services
1761 pursuant to chapter 39.

1762 (f)~~(e)~~ "Preservice curriculum" means the minimum statewide
1763 training content based upon the core competencies which is made
1764 available to all persons providing child welfare services.

1765 (g)~~(f)~~ "Third-party credentialing entity" means a
1766 department-approved nonprofit organization that has met
1767 nationally recognized standards for developing and administering
1768 professional certification programs.

1769 (6) ADOPTION OF RULES.—The Department of Children and

590-04111-17

20171044c2

1770 Families shall adopt rules necessary to carry out ~~the provisions~~
1771 ~~of this section, including the requirements for child welfare~~
1772 ~~trainers.~~

1773 Section 27. Section 409.16741, Florida Statutes, is created
1774 to read:

1775 409.16741 Substance-exposed newborns; legislative findings
1776 and intent; screening and assessment; case management;
1777 training.-

1778 (1) LEGISLATIVE FINDINGS AND INTENT.-

1779 (a) The Legislature finds that children, their families,
1780 and child welfare agencies have been affected by multiple
1781 substance abuse epidemics over the past several decades, and
1782 parental substance abuse is again becoming a growing reason for
1783 removing children from their homes and placing them in foster
1784 care.

1785 (b) The Legislature also finds that infants are the largest
1786 age group of children entering foster care and that parental
1787 substance abuse disorders are having a major impact not only on
1788 increasing child removals, but also on preventing or delaying
1789 reunification of families and increasing termination of parental
1790 rights.

1791 (c) The Legislature further finds that two aspects of
1792 parental substance abuse affect the child welfare system:
1793 prenatal exposure when it is determined that there are immediate
1794 safety factors that necessitate the newborn being placed in
1795 protective custody; and postnatal use that affects the ability
1796 of the parent to safely care for the child.

1797 (d) Therefore, it is the intent of the Legislature that the
1798 department establish and monitor a coordinated approach to

590-04111-17

20171044c2

1799 working with children and their families affected by substance
1800 abuse and dependence.

1801 (2) SCREENING AND ASSESSMENT.—The department shall develop
1802 or adopt one or more initial screening and assessment
1803 instruments to identify, determine the needs of, and plan
1804 services for substance-exposed newborns and their families. In
1805 addition to the conditions of the infant, conditions or
1806 behaviors of the mother or father which may indicate a risk of
1807 harm to the child shall be considered during any assessment.

1808 (3) CASE MANAGEMENT.—

1809 (a) The department shall conduct regular multidisciplinary
1810 staffings relating to services provided for substance-exposed
1811 newborns and their families to ensure that all parties possess
1812 relevant information and that services are coordinated across
1813 systems identified in this chapter. The department or community-
1814 based care lead agency, as appropriate, shall coordinate these
1815 staffings and include individuals involved in the child's care.

1816 (b) Each region of the department and each community-based
1817 care lead agency shall jointly assess local service capacity to
1818 meet the specialized service needs of substance-exposed newborns
1819 and their families and establish a plan to develop the necessary
1820 capacity. Each plan shall be developed in consultation with
1821 entities and agencies involved in the individuals' care.

1822 (4) TRAINING.—The department and community-based care lead
1823 agencies shall ensure that cases in which there is a substance-
1824 exposed newborn are assigned to child protective investigators
1825 and case managers who have specialized training in working with
1826 substance-exposed newborns and their families. The department
1827 and lead agencies shall ensure that child protective

590-04111-17

20171044c2

1828 investigators and case managers receive this training before
1829 accepting a case.

1830 Section 28. Section 409.16742, Florida Statutes, is created
1831 to read:

1832 409.16742 Shared family care residential services program
1833 for substance-exposed newborns.-

1834 (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds
1835 that there is evidence that, with appropriate support and
1836 training, some families can remain safely together without court
1837 involvement or traumatic separations. Therefore, it is the
1838 intent of the Legislature that alternative types of placement
1839 options be available which provide both safety for substance-
1840 exposed newborns and an opportunity for parents recovering from
1841 substance abuse disorders to achieve independence while living
1842 together in a protective, nurturing family environment.

1843 (2) ESTABLISHMENT OF PILOT PROGRAM.-The department shall
1844 establish a shared family care residential services program in
1845 the Fourth Judicial Circuit to serve substance-exposed newborns
1846 and their families through a contract with the designated lead
1847 agency established in accordance with s. 409.987 or with a
1848 private entity capable of providing residential care that
1849 satisfies the requirements of this section. The private entity
1850 or lead agency is responsible for all programmatic functions
1851 necessary to carry out the intent of this section. As used in
1852 this section, the term "shared family care" means out-of-home
1853 care in which an entire family in need is temporarily placed in
1854 the home of a family who is trained to mentor and support the
1855 biological parents as they develop caring skills and supports
1856 necessary for independent living.

590-04111-17

20171044c2

1857 (3) SERVICES.—The department shall specify services that
1858 should be made available to newborns and their families through
1859 the pilot program.

1860 Section 29. Section 409.992, Florida Statutes, is amended
1861 to read:

1862 409.992 Lead agency expenditures.—

1863 (1) The procurement of commodities or contractual services
1864 by lead agencies shall be governed by the financial guidelines
1865 developed by the department and must comply with applicable
1866 state and federal law and follow good business practices.
1867 Pursuant to s. 11.45, the Auditor General may provide technical
1868 advice in the development of the financial guidelines.

1869 (2) Notwithstanding any other provision of law, a
1870 community-based care lead agency may make expenditures for staff
1871 cellular telephone allowances, contracts requiring deferred
1872 payments and maintenance agreements, security deposits for
1873 office leases, related agency professional membership dues other
1874 than personal professional membership dues, promotional
1875 materials, and grant writing services. Expenditures for food and
1876 refreshments, other than those provided to clients in the care
1877 of the agency or to foster parents, adoptive parents, and
1878 caseworkers during training sessions, are not allowable.

1879 (3) Notwithstanding any other provision of law, a
1880 community-based care lead agency administrative employee may not
1881 receive a salary, whether base pay or base pay combined with any
1882 bonus or incentive payments, in excess of the salary paid to the
1883 secretary of the Department of Children and Families from state-
1884 appropriated funds, including state-appropriated federal funds.
1885 This subsection does not prohibit any party from providing cash

590-04111-17

20171044c2

1886 that is not from appropriated state funds to a community-based
1887 care lead agency administrative employee.

1888 (4)~~(3)~~ A lead community-based care agency and its
1889 subcontractors are exempt from state travel policies as provided
1890 in s. 112.061(3)(a) for their travel expenses incurred in order
1891 to comply with the requirements of this section.

1892 Section 30. Paragraph (a) of subsection (7) of section
1893 456.057, Florida Statutes, is amended to read:

1894 456.057 Ownership and control of patient records; report or
1895 copies of records to be furnished; disclosure of information.—

1896 (7) (a) Except as otherwise provided in this section and in
1897 s. 440.13(4)(c), such records may not be furnished to, and the
1898 medical condition of a patient may not be discussed with, any
1899 person other than the patient, the patient's legal
1900 representative, or other health care practitioners and providers
1901 involved in the patient's care or treatment, except upon written
1902 authorization from the patient. However, such records may be
1903 furnished without written authorization under the following
1904 circumstances:

1905 1. To any person, firm, or corporation that has procured or
1906 furnished such care or treatment with the patient's consent.

1907 2. When compulsory physical examination is made pursuant to
1908 Rule 1.360, Florida Rules of Civil Procedure, in which case
1909 copies of the medical records shall be furnished to both the
1910 defendant and the plaintiff.

1911 3. In any civil or criminal action, unless otherwise
1912 prohibited by law, upon the issuance of a subpoena from a court
1913 of competent jurisdiction and proper notice to the patient or
1914 the patient's legal representative by the party seeking such

590-04111-17

20171044c2

1915 records.

1916 4. For statistical and scientific research, provided the
 1917 information is abstracted in such a way as to protect the
 1918 identity of the patient or provided written permission is
 1919 received from the patient or the patient's legal representative.

1920 5. To a regional poison control center for purposes of
 1921 treating a poison episode under evaluation, case management of
 1922 poison cases, or compliance with data collection and reporting
 1923 requirements of s. 395.1027 and the professional organization
 1924 that certifies poison control centers in accordance with federal
 1925 law.

1926 6. To the Department of Children and Families, its agent,
 1927 or its contracted entity, for the purpose of investigations of
 1928 or services for cases of abuse, neglect, or exploitation of
 1929 children or vulnerable adults.

1930 Section 31. Section 409.141, Florida Statutes, is repealed.

1931 Section 32. Section 409.1677, Florida Statutes, is
 1932 repealed.

1933 Section 33. Section 743.067, Florida Statutes, is amended
 1934 to read:

1935 743.067 Certified unaccompanied homeless youths.-

1936 (1) For purposes of this section, the term an "certified
 1937 unaccompanied homeless youth" means a minor who is a homeless
 1938 child or youth, including an unaccompanied youth, as those terms
 1939 are defined in 42 U.S.C. s. 11434a., who has been certified as a
 1940 unaccompanied homeless youth by ~~is an individual who is 16 years~~
 1941 ~~of age or older and is:~~

1942 (a) A school district homeless liaison;

1943 ~~(a) Found by a school district's liaison for homeless~~

590-04111-17

20171044c2

1944 ~~children and youths to be an unaccompanied homeless youth~~
 1945 ~~eligible for services pursuant to the McKinney-Vento Homeless~~
 1946 ~~Assistance Act, 42 U.S.C. ss. 11431-11435; or~~

1947 ~~(b) Believed to qualify as an unaccompanied homeless youth,~~
 1948 ~~as that term is defined in the McKinney-Vento Homeless~~
 1949 ~~Assistance Act, by:~~

1950 (b)1. The director of an emergency shelter program funded
 1951 by the United States Department of Housing and Urban
 1952 Development, or the director's designee;

1953 (c)2. The director of a runaway or homeless youth basic
 1954 center or transitional living program funded by the United
 1955 States Department of Health and Human Services, or the
 1956 director's designee; or

1957 (d) A Continuum of Care Lead Agency, or its designee.
 1958 ~~3. A clinical social worker licensed under chapter 491; or~~
 1959 ~~4. A circuit court.~~

1960 (2) (a) The Office on Homelessness within the Department of
 1961 Children and Families shall develop a standardized form that
 1962 must be used by the entities specified in subsection (1) to
 1963 certify qualifying unaccompanied homeless youth. The form must
 1964 include the circumstances that qualify the youth; the date the
 1965 youth was certified; the name, title, and signature of the
 1966 certifying individual; and a citation to this section. A minor
 1967 ~~who qualifies as an unaccompanied homeless youth shall be issued~~
 1968 ~~a written certificate documenting his or her status by the~~
 1969 ~~appropriate individual as provided in subsection (1). The~~
 1970 ~~certificate shall be issued on the official letterhead~~
 1971 ~~stationery of the person making the determination and shall~~
 1972 ~~include the date of the finding, a citation to this section, and~~

590-04111-17

20171044c2

1973 ~~the signature of the individual making the finding.~~

1974 (b) A certified unaccompanied homeless youth may use the
1975 completed form to apply at no charge for an identification card
1976 issued by the Department of Highway Safety and Motor Vehicles
1977 pursuant to s. 322.051(9).

1978 (c) A health care provider may accept the written
1979 certificate or identification card as proof of the minor's
1980 status as a certified ~~an~~ unaccompanied homeless youth and may
1981 keep a copy of the certificate or identification card in the
1982 youth's medical file.

1983 (3) A certified ~~an~~ unaccompanied homeless youth may:

1984 (a) Petition the circuit court to have the disabilities of
1985 nonage removed under s. 743.015. The youth shall qualify as a
1986 person not required to prepay costs and fees as provided in s.
1987 57.081. The court shall advance the cause on the calendar.

1988 (b) Notwithstanding s. 394.4625(1), consent to medical,
1989 dental, psychological, substance abuse, and surgical diagnosis
1990 and treatment, including preventative care and care by a
1991 facility licensed under chapter 394, chapter 395, or chapter 397
1992 and any forensic medical examination for the purpose of
1993 investigating any felony offense under chapter 784, chapter 787,
1994 chapter 794, chapter 800, or chapter 827, for:

1995 1. Himself or herself; or

1996 2. His or her child, if the certified unaccompanied
1997 homeless youth is unmarried, is the parent of the child, and has
1998 actual custody of the child.

1999 (4) This section does not affect the requirements of s.
2000 390.01114.

2001 Section 34. Paragraph (f) of subsection (1) of section

590-04111-17

20171044c2

2002 1009.25, Florida Statutes, is amended to read:

2003 1009.25 Fee exemptions.—

2004 (1) The following students are exempt from the payment of
2005 tuition and fees, including lab fees, at a school district that
2006 provides workforce education programs, Florida College System
2007 institution, or state university:

2008 (f) A student who lacks a fixed, regular, and adequate
2009 nighttime residence or whose primary nighttime residence is a
2010 public or private shelter designed to provide temporary
2011 residence, a public or private transitional living program for
2012 ~~individuals intended to be institutionalized~~, or a public or
2013 private place not designed for, or ordinarily used as, a regular
2014 sleeping accommodation for human beings. This includes a student
2015 who, if it were not for the availability of college or
2016 university dormitory housing, would be homeless.

2017 Section 35. Subsection (1) of section 39.524, Florida
2018 Statutes, is amended to read:

2019 39.524 Safe-harbor placement.—

2020 (1) Except as provided in s. 39.407 or s. 985.801, a
2021 dependent child 6 years of age or older who has been found to be
2022 a victim of sexual exploitation as defined in s. 39.01 ~~s.~~
2023 ~~39.01(70)(g)~~ must be assessed for placement in a safe house or
2024 safe foster home as provided in s. 409.1678 using the initial
2025 screening and assessment instruments provided in s. 409.1754(1).
2026 If such placement is determined to be appropriate for the child
2027 as a result of this assessment, the child may be placed in a
2028 safe house or safe foster home, if one is available. However,
2029 the child may be placed in another setting, if the other setting
2030 is more appropriate to the child's needs or if a safe house or

590-04111-17

20171044c2

2031 safe foster home is unavailable, as long as the child's
2032 behaviors are managed so as not to endanger other children
2033 served in that setting.

2034 Section 36. Paragraph (p) of subsection (4) of section
2035 394.495, Florida Statutes, is amended to read:

2036 394.495 Child and adolescent mental health system of care;
2037 programs and services.—

2038 (4) The array of services may include, but is not limited
2039 to:

2040 (p) Trauma-informed services for children who have suffered
2041 sexual exploitation as defined in s. 39.01 ~~s. 39.01(70)(g)~~.

2042 Section 37. Paragraph (c) of subsection (1) and paragraphs
2043 (a) and (b) of subsection (6) of section 409.1678, Florida
2044 Statutes, are amended to read:

2045 409.1678 Specialized residential options for children who
2046 are victims of sexual exploitation.—

2047 (1) DEFINITIONS.—As used in this section, the term:

2048 (c) "Sexually exploited child" means a child who has
2049 suffered sexual exploitation as defined in s. 39.01 ~~s.~~
2050 ~~39.01(70)(g)~~ and is ineligible for relief and benefits under the
2051 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101
2052 et seq.

2053 (6) LOCATION INFORMATION.—

2054 (a) Information about the location of a safe house, safe
2055 foster home, or other residential facility serving victims of
2056 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~,
2057 which is held by an agency, as defined in s. 119.011, is
2058 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
2059 of the State Constitution. This exemption applies to such

590-04111-17

20171044c2

2060 confidential and exempt information held by an agency before,
2061 on, or after the effective date of the exemption.

2062 (b) Information about the location of a safe house, safe
2063 foster home, or other residential facility serving victims of
2064 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~, may
2065 be provided to an agency, as defined in s. 119.011, as necessary
2066 to maintain health and safety standards and to address emergency
2067 situations in the safe house, safe foster home, or other
2068 residential facility.

2069 Section 38. Subsection (5) of section 960.065, Florida
2070 Statutes, is amended to read:

2071 960.065 Eligibility for awards.—

2072 (5) A person is not ineligible for an award pursuant to
2073 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
2074 person is a victim of sexual exploitation of a child as defined
2075 in s. 39.01 ~~s. 39.01(70)(g)~~.

2076 Section 39. Section 409.1679, Florida Statutes, is amended
2077 to read:

2078 409.1679 Additional requirements; reimbursement
2079 methodology.—

2080 (1) Each program established under s. 409.1676 ~~ss. 409.1676~~
2081 ~~and 409.1677~~ must meet the following expectations, which must be
2082 included in its contracts with the department or lead agency:

2083 (a) No more than 10 percent of the children served may move
2084 from one living environment to another, unless the child is
2085 returned to family members or is moved, in accordance with the
2086 treatment plan, to a less-restrictive setting. Each child must
2087 have a comprehensive transitional plan that identifies the
2088 child's living arrangement upon leaving the program and specific

590-04111-17

20171044c2

2089 steps and services that are being provided to prepare for that
2090 arrangement. Specific expectations as to the time period
2091 necessary for the achievement of these permanency goals must be
2092 included in the contract.

2093 (b) Each child must receive a full academic year of
2094 appropriate educational instruction. No more than 10 percent of
2095 the children may be in more than one academic setting in an
2096 academic year, unless the child is being moved, in accordance
2097 with an educational plan, to a less-restrictive setting. Each
2098 child must demonstrate academic progress and must be performing
2099 at grade level or at a level commensurate with a valid academic
2100 assessment.

2101 (c) Siblings must be kept together in the same living
2102 environment 100 percent of the time, unless that is determined
2103 by the provider not to be in the children's best interest. When
2104 siblings are separated in placement, the decision must be
2105 reviewed and approved by the court within 30 days.

2106 (d) The program must experience a caregiver turnover rate
2107 and an incidence of child runaway episodes which are at least 50
2108 percent below the rates experienced in the rest of the state.

2109 (e) In addition to providing a comprehensive assessment,
2110 the program must provide, 100 percent of the time, any or all of
2111 the following services that are indicated through the
2112 assessment: residential care; transportation; behavioral health
2113 services; recreational activities; clothing, supplies, and
2114 miscellaneous expenses associated with caring for these
2115 children; necessary arrangements for or provision of educational
2116 services; and necessary and appropriate health and dental care.

2117 (f) The children who are served in this program must be

590-04111-17

20171044c2

2118 satisfied with the services and living environment.

2119 (g) The caregivers must be satisfied with the program.

2120 (2) ~~Notwithstanding the provisions of s. 409.141,~~ The
2121 Department of Children and Families shall fairly and reasonably
2122 reimburse the programs established under s. 409.1676 ~~ss.~~
2123 ~~409.1676 and 409.1677~~ based on a prospective per diem rate,
2124 which must be specified annually in the General Appropriations
2125 Act. Funding for these programs shall be made available from
2126 resources appropriated and identified in the General
2127 Appropriations Act.

2128 Section 40. Subsection (11) of section 1002.3305, Florida
2129 Statutes, is amended to read:

2130 1002.3305 College-Preparatory Boarding Academy Pilot
2131 Program for at-risk students.—

2132 (11) STUDENT HOUSING.—~~Notwithstanding s. 409.176 ss.~~
2133 ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an
2134 operator may house and educate dependent, at-risk youth in its
2135 residential school for the purpose of facilitating the mission
2136 of the program and encouraging innovative practices.

2137 Section 41. For the purpose of incorporating the amendment
2138 made by this act to section 456.057, Florida Statutes, in a
2139 reference thereto, subsection (2) of section 483.181, Florida
2140 Statutes, is reenacted to read:

2141 483.181 Acceptance, collection, identification, and
2142 examination of specimens.—

2143 (2) The results of a test must be reported directly to the
2144 licensed practitioner or other authorized person who requested
2145 it, and appropriate disclosure may be made by the clinical
2146 laboratory without a patient's consent to other health care

590-04111-17

20171044c2

2147 practitioners and providers involved in the care or treatment of
2148 the patient as specified in s. 456.057(7)(a). The report must
2149 include the name and address of the clinical laboratory in which
2150 the test was actually performed, unless the test was performed
2151 in a hospital laboratory and the report becomes an integral part
2152 of the hospital record.

2153 Section 42. Except as otherwise expressly provided in this
2154 act, this act shall take effect July 1, 2017.