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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/RE/2R

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Senator Garcia moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (35) through (80) of section
39.01, Florida Statutes, are redesignated as subsections (36)
through (81), respectively, a new subsection (35) is added to
that section, and subsections (10) and (32) and present
subsections (49) and (52) of that section are amended, to read:

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



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12 (10) "Caregiver" means the parent, legal custodian,
13 permanent guardian, adult household member, or other person
14 responsible for a child's welfare as defined in subsection (48)
15 ~~(47)~~.

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

23 (35) "Legal father" means a man married to the mother at
24 the time of conception or birth of their child, unless paternity
25 has been otherwise determined by a court of competent
26 jurisdiction. If the mother was not married to a man at the time
27 of birth or conception of the child, the term means a man named
28 on the birth certificate of the child pursuant to s. 382.013(2),
29 a man determined by a court order to be the father of the child,
30 or a man determined to be the father of the child by the
31 Department of Revenue as provided in s. 409.256.

32 ~~(50)(49)~~ "Parent" means a woman who gives birth to a child
33 and a man whose consent to the adoption of the child would be
34 required under s. 63.062(1). The term "parent" also means legal
35 father as defined in this section. If a child has been legally
36 adopted, the term "parent" means the adoptive mother or father
37 of the child. For purposes of this chapter only, when the phrase
38 "parent or legal custodian" is used, it refers to rights or
39 responsibilities of the parent and, only if there is no living
40 parent with intact parental rights, to the rights or



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41 responsibilities of the legal custodian who has assumed the role
42 of the parent. The term does not include an individual whose
43 parental relationship to the child has been legally terminated,
44 or an alleged or prospective parent, unless:

45 (a) The parental status falls within the terms of s.
46 39.503(1) or s. 63.062(1); or

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

49 ~~(53)-(52)~~ "Permanency goal" means the living arrangement
50 identified for the child to return to or identified as the
51 permanent living arrangement of the child. ~~Permanency goals~~
52 ~~applicable under this chapter, listed in order of preference,~~
53 ~~are:~~

54 ~~(a) Reunification;~~

55 ~~(b) Adoption when a petition for termination of parental~~
56 ~~rights has been or will be filed;~~

57 ~~(c) Permanent guardianship of a dependent child under s.~~
58 ~~39.6221;~~

59 ~~(d) Permanent placement with a fit and willing relative~~
60 ~~under s. 39.6231; or~~

61 ~~(e) Placement in another planned permanent living~~
62 ~~arrangement under s. 39.6241.~~

63
64 The permanency goal is also the case plan goal. If concurrent
65 case planning is being used, reunification may be pursued at the
66 same time that another permanency goal is pursued.

67 Section 2. Subsection (2) of section 39.013, Florida
68 Statutes, is amended to read:

69 39.013 Procedures and jurisdiction; right to counsel.-



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70 (2) The circuit court has exclusive original jurisdiction
71 of all proceedings under this chapter, of a child voluntarily
72 placed with a licensed child-caring agency, a licensed child-
73 placing agency, or the department, and of the adoption of
74 children whose parental rights have been terminated under this
75 chapter. Jurisdiction attaches when the initial shelter
76 petition, dependency petition, or termination of parental rights
77 petition, or a petition for an injunction to prevent child abuse
78 issued pursuant to s. 39.504, is filed or when a child is taken
79 into the custody of the department. The circuit court may assume
80 jurisdiction over any such proceeding regardless of whether the
81 child was in the physical custody of both parents, was in the
82 sole legal or physical custody of only one parent, caregiver, or
83 some other person, or was not in the physical or legal custody
84 of any person when the event or condition occurred that brought
85 the child to the attention of the court. When the court obtains
86 jurisdiction of any child who has been found to be dependent,
87 the court shall retain jurisdiction, unless relinquished by its
88 order, until the child reaches 21 years of age, or 22 years of
89 age if the child has a disability, with the following

90 exceptions:

91 (a) If a young adult chooses to leave foster care upon
92 reaching 18 years of age.

93 (b) If a young adult does not meet the eligibility
94 requirements to remain in foster care under s. 39.6251 or
95 chooses to leave care under that section.

96 (c) If a young adult petitions the court at any time before
97 his or her 19th birthday requesting the court's continued
98 jurisdiction, the juvenile court may retain jurisdiction under



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99 this chapter for a period not to exceed 1 year following the
100 young adult's 18th birthday for the purpose of determining
101 whether appropriate services that were required to be provided
102 to the young adult before reaching 18 years of age have been
103 provided.

104 (d) If a petition for special immigrant juvenile status and
105 an application for adjustment of status have been filed on
106 behalf of a foster child and the petition and application have
107 not been granted by the time the child reaches 18 years of age,
108 the court may retain jurisdiction over the dependency case
109 solely for the purpose of allowing the continued consideration
110 of the petition and application by federal authorities. Review
111 hearings for the child shall be set solely for the purpose of
112 determining the status of the petition and application. The
113 court's jurisdiction terminates upon the final decision of the
114 federal authorities. Retention of jurisdiction in this instance
115 does not affect the services available to a young adult under s.
116 409.1451. The court may not retain jurisdiction of the case
117 after the immigrant child's 22nd birthday.

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

120 39.202 Confidentiality of reports and records in cases of
121 child abuse or neglect.—

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

126 (a) Employees, authorized agents, or contract providers of
127 the department, the Department of Health, the Agency for Persons



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128 with Disabilities, the Office of Early Learning, or county
129 agencies responsible for carrying out:

- 130 1. Child or adult protective investigations;
- 131 2. Ongoing child or adult protective services;
- 132 3. Early intervention and prevention services;
- 133 4. Healthy Start services;
- 134 5. Licensure or approval of adoptive homes, foster homes,
135 child care facilities, facilities licensed under chapter 393,
136 family day care homes, providers who receive school readiness
137 funding under part VI of chapter 1002, or other homes used to
138 provide for the care and welfare of children; ~~or~~
- 139 6. Employment screening for caregivers in residential group
140 homes; or

141 ~~7.6.~~ Services for victims of domestic violence when
142 provided by certified domestic violence centers working at the
143 department's request as case consultants or with shared clients.
144

145 Also, employees or agents of the Department of Juvenile Justice
146 responsible for the provision of services to children, pursuant
147 to chapters 984 and 985.

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

156 (e) Any person alleged in the report as having caused the



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157 abuse, abandonment, or neglect of a child. This access shall be
158 made available no later than 60 ~~30~~ days after the department
159 receives the initial report of abuse, abandonment, or neglect
160 and, when the alleged perpetrator is not a parent, shall be
161 limited to information involving the protective investigation
162 only and shall not include any information relating to
163 subsequent dependency proceedings. However, any information
164 otherwise made confidential or exempt by law shall not be
165 released pursuant to this paragraph.

166 Section 4. Paragraph (a) of subsection (9) of section
167 39.301, Florida Statutes, is amended, and subsection (23) is
168 added to that section, to read:

169 39.301 Initiation of protective investigations.-

170 (9) (a) For each report received from the central abuse
171 hotline and accepted for investigation, the department or the
172 sheriff providing child protective investigative services under
173 s. 39.3065, shall perform the following child protective
174 investigation activities to determine child safety:

175 1. Conduct a review of all relevant, available information
176 specific to the child and family and alleged maltreatment;
177 family child welfare history; local, state, and federal criminal
178 records checks; and requests for law enforcement assistance
179 provided by the abuse hotline. Based on a review of available
180 information, including the allegations in the current report, a
181 determination shall be made as to whether immediate consultation
182 should occur with law enforcement, the child protection team, a
183 domestic violence shelter or advocate, or a substance abuse or
184 mental health professional. Such consultations should include
185 discussion as to whether a joint response is necessary and



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186 feasible. A determination shall be made as to whether the person
187 making the report should be contacted before the face-to-face
188 interviews with the child and family members.

189 2. Conduct face-to-face interviews with the child; other
190 siblings, if any; and the parents, legal custodians, or
191 caregivers.

192 3. Assess the child's residence, including a determination
193 of the composition of the family and household, including the
194 name, address, date of birth, social security number, sex, and
195 race of each child named in the report; any siblings or other
196 children in the same household or in the care of the same
197 adults; the parents, legal custodians, or caregivers; and any
198 other adults in the same household.

199 4. Determine whether there is any indication that any child
200 in the family or household has been abused, abandoned, or
201 neglected; the nature and extent of present or prior injuries,
202 abuse, or neglect, and any evidence thereof; and a determination
203 as to the person or persons apparently responsible for the
204 abuse, abandonment, or neglect, including the name, address,
205 date of birth, social security number, sex, and race of each
206 such person.

207 5. Complete assessment of immediate child safety for each
208 child based on available records, interviews, and observations
209 with all persons named in subparagraph 2. and appropriate
210 collateral contacts, which may include other professionals. The
211 department's child protection investigators are hereby
212 designated a criminal justice agency for the purpose of
213 accessing criminal justice information to be used for enforcing
214 this state's laws concerning the crimes of child abuse,



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215 abandonment, and neglect. This information shall be used solely
216 for purposes supporting the detection, apprehension,
217 prosecution, pretrial release, posttrial release, or
218 rehabilitation of criminal offenders or persons accused of the
219 crimes of child abuse, abandonment, or neglect and may not be
220 further disseminated or used for any other purpose.

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

235 a. If the child protective investigator implements a safety
236 plan, the plan must be specific, sufficient, feasible, and
237 sustainable in response to the realities of the present or
238 impending danger. A safety plan may be an in-home plan or an
239 out-of-home plan, or a combination of both. A safety plan may
240 include tasks or responsibilities for a parent, caregiver, or
241 legal custodian. However, a safety plan may not rely on
242 promissory commitments by the parent, caregiver, or legal
243 custodian who is currently not able to protect the child or on



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244 services that are not available or will not result in the safety
245 of the child. A safety plan may not be implemented if for any
246 reason the parents, guardian, or legal custodian lacks the
247 capacity or ability to comply with the plan. If the department
248 is not able to develop a plan that is specific, sufficient,
249 feasible, and sustainable, the department shall file a shelter
250 petition. A child protective investigator shall implement
251 separate safety plans for the perpetrator of domestic violence,
252 if the investigator, using reasonable efforts, can locate the
253 perpetrator to implement a safety plan, and for the parent who
254 is a victim of domestic violence as defined in s. 741.28.
255 Reasonable efforts to locate a perpetrator include, but are not
256 limited to, a diligent search pursuant to the same requirements
257 as in s. 39.503. If the perpetrator of domestic violence is not
258 the parent, guardian, or legal custodian of any child in the
259 home and if the department does not intend to file a shelter
260 petition or dependency petition that will assert allegations
261 against the perpetrator as a parent of a ~~the~~ child in the home,
262 the child protective investigator shall seek issuance of an
263 injunction authorized by s. 39.504 to implement a safety plan
264 for the perpetrator and impose any other conditions to protect
265 the child. The safety plan for the parent who is a victim of
266 domestic violence may not be shared with the perpetrator. If any
267 party to a safety plan fails to comply with the safety plan
268 resulting in the child being unsafe, the department shall file a
269 shelter petition.

270 b. The child protective investigator shall collaborate with
271 the community-based care lead agency in the development of the
272 safety plan as necessary to ensure that the safety plan is



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273 specific, sufficient, feasible, and sustainable. The child
274 protective investigator shall identify services necessary for
275 the successful implementation of the safety plan. The child
276 protective investigator and the community-based care lead agency
277 shall mobilize service resources to assist all parties in
278 complying with the safety plan. The community-based care lead
279 agency shall prioritize safety plan services to families who
280 have multiple risk factors, including, but not limited to, two
281 or more of the following:

- 282 (I) The parent or legal custodian is of young age;
- 283 (II) The parent or legal custodian, or an adult currently
284 living in or frequently visiting the home, has a history of
285 substance abuse, mental illness, or domestic violence;
- 286 (III) The parent or legal custodian, or an adult currently
287 living in or frequently visiting the home, has been previously
288 found to have physically or sexually abused a child;
- 289 (IV) The parent or legal custodian or an adult currently
290 living in or frequently visiting the home has been the subject
291 of multiple allegations by reputable reports of abuse or
292 neglect;
- 293 (V) The child is physically or developmentally disabled; or
- 294 (VI) The child is 3 years of age or younger.

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

299 (23) If, at any time during a child protective
300 investigation, a child is born into a family under investigation
301 or a child moves into the home under investigation, the child



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302 protective investigator shall add the child to the investigation
303 and assess the child's safety pursuant to subsection (7) and
304 paragraph (9) (a).

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

307 39.302 Protective investigations of institutional child
308 abuse, abandonment, or neglect.-

309 (1) The department shall conduct a child protective
310 investigation of each report of institutional child abuse,
311 abandonment, or neglect. Upon receipt of a report that alleges
312 that an employee or agent of the department, or any other entity
313 or person covered by s. 39.01(32) or (48) ~~(47)~~, acting in an
314 official capacity, has committed an act of child abuse,
315 abandonment, or neglect, the department shall initiate a child
316 protective investigation within the timeframe established under
317 s. 39.201(5) and notify the appropriate state attorney, law
318 enforcement agency, and licensing agency, which shall
319 immediately conduct a joint investigation, unless independent
320 investigations are more feasible. When conducting investigations
321 or having face-to-face interviews with the child, investigation
322 visits shall be unannounced unless it is determined by the
323 department or its agent that unannounced visits threaten the
324 safety of the child. If a facility is exempt from licensing, the
325 department shall inform the owner or operator of the facility of
326 the report. Each agency conducting a joint investigation is
327 entitled to full access to the information gathered by the
328 department in the course of the investigation. A protective
329 investigation must include an interview with the child's parent
330 or legal guardian. The department shall make a full written



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331 report to the state attorney within 3 working days after making
332 the oral report. A criminal investigation shall be coordinated,
333 whenever possible, with the child protective investigation of
334 the department. Any interested person who has information
335 regarding the offenses described in this subsection may forward
336 a statement to the state attorney as to whether prosecution is
337 warranted and appropriate. Within 15 days after the completion
338 of the investigation, the state attorney shall report the
339 findings to the department and shall include in the report a
340 determination of whether or not prosecution is justified and
341 appropriate in view of the circumstances of the specific case.

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

351 (a) However, if such a person is a licensee of the
352 department and is named in any capacity in three or more reports
353 within a 5-year period, the department may review those reports
354 and determine whether the information contained in the reports
355 is relevant for purposes of determining whether the person's
356 license should be renewed or revoked. If the information is
357 relevant to the decision to renew or revoke the license, the
358 department may rely on the information contained in the report
359 in making that decision.



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360 (b) Likewise, if a person is employed as a caregiver in a
361 residential group home licensed pursuant to s. 409.175 and is
362 named in any capacity in three or more reports within a 5-year
363 period, the department may review all reports for the purposes
364 of the employment screening required pursuant to s.
365 409.145(2)(e).

366 Section 6. Paragraph (c) of subsection (8) of section
367 39.402, Florida Statutes, is amended to read:

368 39.402 Placement in a shelter.—

369 (8)

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

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

374 2. Inform the parents or legal custodians of their right to
375 counsel to represent them at the shelter hearing and at each
376 subsequent hearing or proceeding, and the right of the parents
377 to appointed counsel, pursuant to the procedures set forth in s.
378 39.013; ~~and~~

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

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

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



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

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

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

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

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

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

405 h. Whether a man has been determined to be the father of
406 the child by the Department of Revenue as provided in s.
407 409.256.

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

412 39.503 Identity or location of parent unknown; special
413 procedures.—

414 (1) If the identity or location of a parent is unknown and
415 a petition for dependency or shelter is filed, the court shall
416 conduct under oath the following inquiry of the parent or legal
417 custodian who is available, or, if no parent or legal custodian



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418 is available, of any relative or custodian of the child who is
419 present at the hearing and likely to have any of the following
420 information:

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

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

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

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

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

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

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

440 (h) Whether a man has been determined to be the father of
441 the child by the Department of Revenue as provided in s.
442 409.256.

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



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

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

462 (8) If the inquiry and diligent search identifies a
463 prospective parent, that person must be given the opportunity to
464 become a party to the proceedings by completing a sworn
465 affidavit of parenthood and filing it with the court or the
466 department. A prospective parent who files a sworn affidavit of
467 parenthood while the child is a dependent child but no later
468 than at the time of or before ~~prior to~~ the adjudicatory hearing
469 in any termination of parental rights proceeding for the child
470 shall be considered a parent for all purposes under this section
471 unless the other parent contests the determination of
472 parenthood. If the known parent contests the recognition of the
473 prospective parent as a parent, the prospective parent may ~~shall~~
474 not be recognized as a parent until proceedings to determine
475 maternity or paternity under chapter 742 have been concluded.



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476 However, the prospective parent shall continue to receive notice
477 of hearings as a participant pending results of the chapter 742
478 proceedings to determine maternity or paternity.

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

482 Section 8. Section 39.504, Florida Statutes, is amended to
483 read:

484 39.504 Injunction ~~pending disposition of petition;~~
485 penalty.-

486 (1) At any time after a protective investigation has been
487 initiated pursuant to part III of this chapter, the court, upon
488 the request of the department, a law enforcement officer, the
489 state attorney, or other responsible person, or upon its own
490 motion, may, if there is reasonable cause, issue an injunction
491 to prevent any act of child abuse. Reasonable cause for the
492 issuance of an injunction exists if there is evidence of child
493 abuse or if there is a reasonable likelihood of such abuse
494 occurring based upon a recent overt act or failure to act. If
495 there is a pending dependency proceeding regarding the child
496 whom the injunction is sought to protect, the judge hearing the
497 dependency proceeding must also hear the injunction proceeding
498 regarding the child.

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



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505 issue a temporary ex parte injunction, with verified pleadings
506 or affidavits as evidence. The temporary ex parte injunction
507 pending a hearing is effective for up to 15 days and the hearing
508 must be held within that period unless continued for good cause
509 shown, which may include obtaining service of process, in which
510 case the temporary ex parte injunction shall be extended for the
511 continuance period. The hearing may be held sooner if the
512 alleged offender has received reasonable notice.

513 (3) Before the hearing, the alleged offender must be
514 personally served with a copy of the petition, all other
515 pleadings related to the petition, a notice of hearing, and, if
516 one has been entered, the temporary injunction. If the
517 petitioner cannot locate the alleged offender for service after
518 a diligent search pursuant to the same requirements as in s.
519 39.503 and the filing of an affidavit of diligent search, the
520 court may enter the injunction based on the sworn petition and
521 any affidavits. At the hearing, the court may base its
522 determination on a sworn petition, testimony, or an affidavit
523 and may hear all relevant and material evidence, including oral
524 and written reports, to the extent of its probative value even
525 though it would not be competent evidence at an adjudicatory
526 hearing. Following the hearing, the court may enter a final
527 injunction. The court may grant a continuance of the hearing at
528 any time for good cause shown by any party. If a temporary
529 injunction has been entered, it shall be continued during the
530 continuance.

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



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534 child's immediate family into consideration.

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

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

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

- 552 1. Exclusive use and possession of the dwelling to the
553 caregiver or exclusion of the alleged or actual offender from
554 the residence of the caregiver.
- 555 2. Temporary support for the child or other family members.
- 556 3. The costs of medical, psychiatric, and psychological
557 treatment for the child incurred due to the abuse, and similar
558 costs for other family members.

559
560 This paragraph does not preclude an adult victim of domestic
561 violence from seeking protection for himself or herself under s.
562 741.30.



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563 (c) The terms of the final injunction shall remain in
564 effect until modified or dissolved by the court. The petitioner,
565 respondent, or caregiver may move at any time to modify or
566 dissolve the injunction. Notice of hearing on the motion to
567 modify or dissolve the injunction must be provided to all
568 parties, including the department. The injunction is valid and
569 enforceable in all counties in the state.

570 (5) Service of process on the respondent shall be carried
571 out pursuant to s. 741.30. The department shall deliver a copy
572 of any injunction issued pursuant to this section to the
573 protected party or to a parent, caregiver, or individual acting
574 in the place of a parent who is not the respondent. Law
575 enforcement officers may exercise their arrest powers as
576 provided in s. 901.15(6) to enforce the terms of the injunction.

577 (6) Any person who fails to comply with an injunction
578 issued pursuant to this section commits a misdemeanor of the
579 first degree, punishable as provided in s. 775.082 or s.
580 775.083.

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

584 Section 9. Paragraph (b) of subsection (7) of section
585 39.507, Florida Statutes, is amended to read:

586 39.507 Adjudicatory hearings; orders of adjudication.—

587 (7)

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



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592 ~~in a subsequent evidentiary hearing.~~ If a second parent is
593 served and brought into the proceeding after the adjudication
594 and if an the evidentiary hearing for the second parent is
595 ~~conducted subsequent to the adjudication of the child,~~ the court
596 shall supplement the adjudicatory order, disposition order, and
597 the case plan, as necessary. The petitioner is not required to
598 prove actual harm or actual abuse by the second parent in order
599 for the court to make supplemental findings regarding the
600 conduct of the second parent. The court is not required to
601 conduct an evidentiary hearing for the second parent in order to
602 supplement the adjudicatory order, the disposition order, and
603 the case plan if the requirements of s. 39.506(3) or (5) are
604 satisfied. With the exception of proceedings pursuant to s.
605 39.811, the child's dependency status may not be retried or
606 readjudicated.

607 Section 10. Paragraph (a) of subsection (2) of section
608 39.5085, Florida Statutes, is amended to read:

609 39.5085 Relative Caregiver Program.—

610 (2) (a) The Department of Children and Families shall
611 establish, and operate, and implement the Relative Caregiver
612 ~~Program pursuant to eligibility guidelines established in this~~
613 ~~section as further implemented~~ by rule of the department. The
614 Relative Caregiver Program shall, within the limits of available
615 funding, provide financial assistance to:

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



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621 with the relative under this chapter.

622 2. Relatives who are within the fifth degree by blood or
623 marriage to the parent or stepparent of a child and who are
624 caring full-time for that dependent child, and a dependent half-
625 brother or half-sister of that dependent child, in the role of
626 substitute parent as a result of a court's determination of
627 child abuse, neglect, or abandonment and subsequent placement
628 with the relative under this chapter.

629 3. Nonrelatives who are willing to assume custody and care
630 of a dependent child in the role of substitute parent as a
631 result of a court's determination of child abuse, neglect, or
632 abandonment and subsequent placement with the nonrelative
633 caregiver under this chapter. The court must find that a
634 proposed placement under this subparagraph is in the best
635 interest of the child.

636 4. A relative or nonrelative caregiver, but the relative or
637 nonrelative caregiver may not receive a Relative Caregiver
638 Program payment if the parent or stepparent of the child resides
639 in the home. However, a relative or nonrelative may receive the
640 Relative Caregiver Program payment for a minor parent who is in
641 his or her care, as well as for the minor parent's child, if
642 both children have been adjudicated dependent and meet all other
643 eligibility requirements. If the caregiver is currently
644 receiving the payment, the Relative Caregiver Program payment
645 must be terminated no later than the first of the following
646 month after the parent or stepparent moves into the home,
647 allowing for 10-day notice of adverse action.

648
649 The placement may be court-ordered temporary legal custody to



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650 the relative or nonrelative under protective supervision of the
651 department pursuant to s. 39.521(1)(c)3. ~~s. 39.521(1)(b)3.~~, or
652 court-ordered placement in the home of a relative or nonrelative
653 as a permanency option under s. 39.6221 or s. 39.6231 or under
654 former s. 39.622 if the placement was made before July 1, 2006.
655 The Relative Caregiver Program shall offer financial assistance
656 to caregivers who would be unable to serve in that capacity
657 without the caregiver payment because of financial burden, thus
658 exposing the child to the trauma of placement in a shelter or in
659 foster care.

660 Section 11. Subsections (1), (2), (6), and (7) of section
661 39.521, Florida Statutes, are amended to read:

662 39.521 Disposition hearings; powers of disposition.—

663 (1) A disposition hearing shall be conducted by the court,
664 if the court finds that the facts alleged in the petition for
665 dependency were proven in the adjudicatory hearing, or if the
666 parents or legal custodians have consented to the finding of
667 dependency or admitted the allegations in the petition, have
668 failed to appear for the arraignment hearing after proper
669 notice, or have not been located despite a diligent search
670 having been conducted.

671 (a) A written case plan and a family functioning assessment
672 ~~predisposition study~~ prepared by an authorized agent of the
673 department must be approved by ~~filed with~~ the court. The
674 department must file the case plan and the family functioning
675 assessment with the court, serve a copy of the case plan on,
676 ~~served upon~~ the parents of the child, and provide a copy of the
677 case plan provided to the representative of the guardian ad
678 litem program, if the program has been appointed, and a copy



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679 ~~provided~~ to all other parties:

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

684 2. Not less than 72 hours before the case plan acceptance
685 hearing, if the disposition hearing occurs before the 60th day
686 after the date the child was placed in out-of-home care and a
687 case plan has not been submitted pursuant to this paragraph, or
688 if the court does not approve the case plan at the disposition
689 hearing. The case plan acceptance hearing must occur, ~~the court~~
690 ~~must set a hearing~~ within 30 days after the disposition hearing
691 to review and approve the case plan.

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

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

700 1. Require the parent and, when appropriate, the legal
701 custodian and the child to participate in treatment and services
702 identified as necessary. The court may require the person who
703 has custody or who is requesting custody of the child to submit
704 to a mental health or substance abuse disorder assessment or
705 evaluation. The order may be made only upon good cause shown and
706 pursuant to notice and procedural requirements provided under
707 the Florida Rules of Juvenile Procedure. The mental health



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708 assessment or evaluation must be administered by a qualified
709 professional as defined in s. 39.01, and the substance abuse
710 assessment or evaluation must be administered by a qualified
711 professional as defined in s. 397.311. The court may also
712 require such person to participate in and comply with treatment
713 and services identified as necessary, including, when
714 appropriate and available, participation in and compliance with
715 a mental health court program established under chapter 394 or a
716 treatment-based drug court program established under s. 397.334.
717 Adjudication of a child as dependent based upon evidence of harm
718 as defined in s. 39.01(30)(g) demonstrates good cause, and the
719 court shall require the parent whose actions caused the harm to
720 submit to a substance abuse disorder assessment or evaluation
721 and to participate and comply with treatment and services
722 identified in the assessment or evaluation as being necessary.
723 In addition to supervision by the department, the court,
724 including the mental health court program or the treatment-based
725 drug court program, may oversee the progress and compliance with
726 treatment by a person who has custody or is requesting custody
727 of the child. The court may impose appropriate available
728 sanctions for noncompliance upon a person who has custody or is
729 requesting custody of the child or make a finding of
730 noncompliance for consideration in determining whether an
731 alternative placement of the child is in the child's best
732 interests. Any order entered under this subparagraph may be made
733 only upon good cause shown. This subparagraph does not authorize
734 placement of a child with a person seeking custody of the child,
735 other than the child's parent or legal custodian, who requires
736 mental health or substance abuse disorder treatment.



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

739 3. Require placement of the child either under the
740 protective supervision of an authorized agent of the department
741 in the home of one or both of the child's parents or in the home
742 of a relative of the child or another adult approved by the
743 court, or in the custody of the department. Protective
744 supervision continues until the court terminates it or until the
745 child reaches the age of 18, whichever date is first. Protective
746 supervision shall be terminated by the court whenever the court
747 determines that permanency has been achieved for the child,
748 whether with a parent, another relative, or a legal custodian,
749 and that protective supervision is no longer needed. The
750 termination of supervision may be with or without retaining
751 jurisdiction, at the court's discretion, and shall in either
752 case be considered a permanency option for the child. The order
753 terminating supervision by the department must set forth the
754 powers of the custodian of the child and include the powers
755 ordinarily granted to a guardian of the person of a minor unless
756 otherwise specified. Upon the court's termination of supervision
757 by the department, further judicial reviews are not required if
758 permanency has been established for the child.

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



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766 (e)~~(d)~~ The court shall, in its written order of
767 disposition, include all of the following:
768 1. The placement or custody of the child.
769 2. Special conditions of placement and visitation.
770 3. Evaluation, counseling, treatment activities, and other
771 actions to be taken by the parties, if ordered.
772 4. The persons or entities responsible for supervising or
773 monitoring services to the child and parent.
774 5. Continuation or discharge of the guardian ad litem, as
775 appropriate.
776 6. The date, time, and location of the next scheduled
777 review hearing, which must occur within the earlier of:
778 a. Ninety days after the disposition hearing;
779 b. Ninety days after the court accepts the case plan;
780 c. Six months after the date of the last review hearing; or
781 d. Six months after the date of the child's removal from
782 his or her home, if no review hearing has been held since the
783 child's removal from the home.
784 7. If the child is in an out-of-home placement, child
785 support to be paid by the parents, or the guardian of the
786 child's estate if possessed of assets which under law may be
787 disbursed for the care, support, and maintenance of the child.
788 The court may exercise jurisdiction over all child support
789 matters, shall adjudicate the financial obligation, including
790 health insurance, of the child's parents or guardian, and shall
791 enforce the financial obligation as provided in chapter 61. The
792 state's child support enforcement agency shall enforce child
793 support orders under this section in the same manner as child
794 support orders under chapter 61. Placement of the child shall



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795 not be contingent upon issuance of a support order.

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

805 b. If no suitable relative is found and the child is placed
806 with the department or a legal custodian or other adult approved
807 by the court, both the department and the court shall consider
808 transferring temporary legal custody to an adult relative
809 approved by the court at a later date, but neither the
810 department nor the court is obligated to so place the child if
811 it is in the child's best interest to remain in the current
812 placement.

813
814 For the purposes of this section, "diligent efforts to locate an
815 adult relative" means a search similar to the diligent search
816 for a parent, but without the continuing obligation to search
817 after an initial adequate search is completed.

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

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



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824 ~~reunification efforts of the department~~ will allow the child to
825 remain safely at home or that conditions for return have been
826 met and an in-home safety plan prepared or approved by the
827 department will allow the child to be safely returned to the
828 home, the court shall allow the child to remain in or return to
829 the home after making a specific finding of fact that ~~the~~
830 ~~reasons for removal have been remedied to the extent that the~~
831 child's safety, well-being, and physical, mental, and emotional
832 health will not be endangered.

833 (g) ~~(f)~~ If the court places the child in an out-of-home
834 placement, the disposition order must include a written
835 determination that the child cannot safely remain at home with
836 an in-home safety plan ~~reunification or family preservation~~
837 ~~services~~ and that removal of the child is necessary to protect
838 the child. If the child is removed before the disposition
839 hearing, the order must also include a written determination as
840 to whether, after removal, the department made a reasonable
841 effort to reunify the parent and child. Reasonable efforts to
842 reunify are not required if the court finds that any of the acts
843 listed in s. 39.806(1) (f)-(l) have occurred. The department has
844 the burden of demonstrating that it made reasonable efforts.

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

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

851 a. Enter written findings as to whether an in-home safety
852 plan could have prevented removal ~~prevention or reunification~~



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853 ~~efforts were indicated.~~

854 b. If an in-home safety plan was ~~prevention or~~
855 ~~reunification efforts were~~ indicated, include a brief written
856 description of what appropriate and available safety management
857 services ~~prevention and reunification efforts were~~ initiated
858 ~~made.~~

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

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

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

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

871 c. The child cannot safely remain at home, because there
872 are no safety management ~~preventive~~ services that can ensure the
873 health and safety of the child or, even with appropriate and
874 available services being provided, the health and safety of the
875 child cannot be ensured; or

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

879 4. A reasonable effort by the department for reunification
880 has been made if the appraisal of the home situation by the
881 department indicates that the severity of the conditions of



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882 dependency is such that reunification efforts are inappropriate.
883 The department has the burden of demonstrating to the court that
884 reunification efforts were inappropriate.

885 5. If the court finds that the provision of safety
886 management services by ~~prevention or reunification effort~~ of the
887 department would not have permitted the child to remain safely
888 at home, the court may commit the child to the temporary legal
889 custody of the department or take any other action authorized by
890 this chapter.

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

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

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

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

899 (d) An assessment of the parents' general parenting
900 practices and the parents' disciplinary approach and behavior
901 management methods.

902 (e) An assessment of the parents' behavioral, emotional,
903 and cognitive protective capacities.

904 (f) An assessment of child functioning.

905 (g) A safety analysis describing the capacity for an in-
906 home safety plan to control the conditions that result in the
907 child being unsafe and the specific actions necessary to keep
908 the child safe.

909 (h) Identification of the conditions for return which would
910 allow the child to be placed safely back into the home with an



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911 in-home safety plan and any safety management services necessary
912 to ensure the child's safety.

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

917 ~~(b) The length of time the child has lived in a stable,~~
918 ~~satisfactory environment and the desirability of maintaining~~
919 ~~continuity.~~

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

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

922 ~~(i)-(e)~~ (i) The reasonable preference of the child, if the court
923 deems the child to be of sufficient intelligence, understanding,
924 and experience to express a preference.

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

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

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

932 ~~(i) A description of the benefits of returning the child~~
933 ~~home.~~

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

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



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

943 (l)~~(m)~~ All opinions or recommendations from other
944 professionals or agencies that provide evaluative, social,
945 reunification, or other services to the parent and child.

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

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

953 2. If the services were provided, the outcome of the
954 services.

955 3. If the services were not provided, why they were not
956 provided.

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

959 ~~(o) A listing of other prevention and reunification~~
960 ~~services that were available but determined to be inappropriate~~
961 ~~and why.~~

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

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

967 (o)~~(r)~~ If the child has been removed from the home and will
968 be remaining with a relative, parent, or other adult approved by



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969 the court, a home study report concerning the proposed placement
970 shall be provided to the court ~~included in the predisposition~~
971 ~~report~~. Before recommending to the court any out-of-home
972 placement for a child other than placement in a licensed shelter
973 or foster home, the department shall conduct a study of the home
974 of the proposed legal custodians, which must include, at a
975 minimum:

976 1. An interview with the proposed legal custodians to
977 assess their ongoing commitment and ability to care for the
978 child.

979 2. Records checks through the State Automated Child Welfare
980 Information System (SACWIS), and local and statewide criminal
981 and juvenile records checks through the Department of Law
982 Enforcement, on all household members 12 years of age or older.
983 In addition, the fingerprints of any household members who are
984 18 years of age or older may be submitted to the Department of
985 Law Enforcement for processing and forwarding to the Federal
986 Bureau of Investigation for state and national criminal history
987 information. The department has the discretion to request State
988 Automated Child Welfare Information System (SACWIS) and local,
989 statewide, and national criminal history checks and
990 fingerprinting of any other visitor to the home who is made
991 known to the department. Out-of-state criminal records checks
992 must be initiated for any individual who has resided in a state
993 other than Florida if that state's laws allow the release of
994 these records. The out-of-state criminal records must be filed
995 with the court within 5 days after receipt by the department or
996 its agent.

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



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998 4. A determination of the financial security of the
999 proposed legal custodians.

1000 5. A determination of suitable child care arrangements if
1001 the proposed legal custodians are employed outside of the home.

1002 6. Documentation of counseling and information provided to
1003 the proposed legal custodians regarding the dependency process
1004 and possible outcomes.

1005 7. Documentation that information regarding support
1006 services available in the community has been provided to the
1007 proposed legal custodians.

1008 8. The reasonable preference of the child, if the court
1009 deems the child to be of sufficient intelligence, understanding,
1010 and experience to express a preference.

1011
1012 The department may not place the child or continue the placement
1013 of the child in a home under shelter or postdisposition
1014 placement if the results of the home study are unfavorable,
1015 unless the court finds that this placement is in the child's
1016 best interest.

1017 (p) ~~(s)~~ If the child has been removed from the home, a
1018 determination of the amount of child support each parent will be
1019 required to pay pursuant to s. 61.30.

1020 ~~(t) If placement of the child with anyone other than the~~
1021 ~~child's parent is being considered, the predisposition study~~
1022 ~~shall include the designation of a specific length of time as to~~
1023 ~~when custody by the parent will be reconsidered.~~

1024
1025 Any other relevant and material evidence, including other
1026 written or oral reports, may be received by the court in its



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1027 effort to determine the action to be taken with regard to the
1028 child and may be relied upon to the extent of its probative
1029 value, even though not competent in an adjudicatory hearing.
1030 Except as otherwise specifically provided, nothing in this
1031 section prohibits the publication of proceedings in a hearing.

1032 (6) With respect to a child who is the subject in
1033 proceedings under this chapter, the court may issue to the
1034 department an order to show cause why it should not return the
1035 child to the custody of the parents upon the presentation of
1036 evidence that the conditions for return of the child have been
1037 met ~~expiration of the case plan, or sooner if the parents have~~
1038 ~~substantially complied with the case plan.~~

1039 (7) The court may enter an order ending its jurisdiction
1040 over a child when a child has been returned to the parents,
1041 provided the court shall not terminate its jurisdiction or the
1042 department's supervision over the child until 6 months after the
1043 child's return. The department shall supervise the placement of
1044 the child after reunification for at least 6 months with each
1045 parent or legal custodian from whom the child was removed. The
1046 court shall determine whether its jurisdiction should be
1047 continued or terminated in such a case based on a report of the
1048 department or agency or the child's guardian ad litem, and any
1049 other relevant factors; if its jurisdiction is to be terminated,
1050 the court shall enter an order to that effect.

1051 Section 12. Subsections (2) and (3) of section 39.522,
1052 Florida Statutes, are amended to read:

1053 39.522 Postdisposition change of custody.—The court may
1054 change the temporary legal custody or the conditions of
1055 protective supervision at a postdisposition hearing, without the



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1056 necessity of another adjudicatory hearing.

1057 (2) In cases where the issue before the court is whether a
1058 child should be reunited with a parent, the court shall review
1059 the conditions for return and determine whether the
1060 circumstances that caused the out-of-home placement and issues
1061 subsequently identified have been remedied ~~parent has~~
1062 ~~substantially complied with the terms of the case plan to the~~
1063 extent that the return of the child to the home with an in-home
1064 safety plan prepared or approved by the department will not be
1065 detrimental to the child's safety, well-being, and physical,
1066 mental, and emotional health ~~of the child is not endangered by~~
1067 ~~the return of the child to the home.~~

1068 (3) In cases where the issue before the court is whether a
1069 child who is placed in the custody of a parent should be
1070 reunited with the other parent upon a finding that the
1071 circumstances that caused the out-of-home placement and issues
1072 subsequently identified have been remedied to the extent that
1073 the return of the child to the home of the other parent with an
1074 in-home safety plan prepared or approved by the department will
1075 not be detrimental to the child ~~of substantial compliance with~~
1076 ~~the terms of the case plan,~~ the standard shall be that the
1077 safety, well-being, and physical, mental, and emotional health
1078 of the child would not be endangered by reunification and that
1079 reunification would be in the best interest of the child.

1080 Section 13. Effective January 1, 2018, section 39.523,
1081 Florida Statutes, is amended to read:

1082 (Substantial rewording of section. See
1083 s. 39.523, F.S., for present text.)
1084 39.523 Placement in out-of-home care.-



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1085 (1) LEGISLATIVE FINDINGS AND INTENT.-

1086 (a) The Legislature finds that it is a basic tenet of child
1087 welfare practice and the law that a child be placed in the least
1088 restrictive, most family-like setting available in close
1089 proximity to the home of his or her parents which meets the
1090 needs of the child, and that a child be placed in a permanent
1091 home in a timely manner.

1092 (b) The Legislature also finds that there is an association
1093 between placements that do not meet the needs of the child and
1094 adverse outcomes for the child, that mismatching placements to
1095 children's needs has been identified as a factor that negatively
1096 impacts placement stability, and that identifying the right
1097 placement for each child requires effective assessment.

1098 (c) It is the intent of the Legislature that whenever a
1099 child is unable to safely remain at home with a parent, the most
1100 appropriate available out-of-home placement shall be chosen
1101 after an assessment of the child's needs and the availability of
1102 caregivers qualified to meet the child's needs.

1103 (2) ASSESSMENT AND PLACEMENT.-When any child is removed
1104 from a home and placed into out-of-home care, a comprehensive
1105 placement assessment process shall be completed to determine the
1106 level of care needed by the child and match the child with the
1107 most appropriate placement.

1108 (a) The community-based care lead agency or sub-contracted
1109 agency with the responsibility for assessment and placement must
1110 coordinate a multi-disciplinary team staffing with any available
1111 individual currently involved with the child including, but not
1112 limited to, a representative from the department and the case
1113 manager for the child; a therapist, attorney ad-litem, guardian



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1114 ad litem, teachers, coaches, Children's Medical Services; and
1115 other community providers of services to the child or
1116 stakeholders as applicable. The team may also include clergy,
1117 relatives, and fictive kin if appropriate. Team participants
1118 must gather data and information on the child which is known at
1119 the time including, but not limited to:

- 1120 1. Mental, medical, behavioral health, and medication
1121 history;
1122 2. Community ties and school placement;
1123 3. Current placement decisions relating to any siblings;
1124 4. Alleged type of abuse or neglect including sexual abuse
1125 and trafficking history; and
1126 5. The child's age, maturity, strengths, hobbies or
1127 activities, and the child's preference for placement.

1128 (b) The comprehensive placement assessment process may also
1129 include the use of an assessment instrument or tool that is best
1130 suited for the individual child.

1131 (c) The most appropriate available out-of-home placement
1132 shall be chosen after consideration by all members of the multi-
1133 disciplinary team of all of the information and data gathered,
1134 including the results and recommendations of any evaluations
1135 conducted.

1136 (d) Placement decisions for each child in out-of-home
1137 placement shall be reviewed as often as necessary to ensure
1138 permanency for that child and address special issues related to
1139 this population of children.

1140 (e) The department, a sheriff's office acting under s.
1141 39.3065, a community-based care lead agency, or a case
1142 management organization must document all placement assessments



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1143 and placement decisions in the Florida Safe Families Network.
1144 (f) If it is determined during the comprehensive placement
1145 assessment process that residential treatment as defined in s.
1146 39.407 would be suitable for the child, the procedures in that
1147 section must be followed.
1148 (3) JUDICIAL REVIEW.—At each judicial review, the court
1149 shall consider the results of the assessment, the placement
1150 decision made for the child, and services provided to the child
1151 as required under s. 39.701.
1152 (4) DATA COLLECTION.—The department shall collect the
1153 following information by community-based care lead agencies and
1154 post it on the Department of Children and Families' website. The
1155 information is to be updated on January 1 and July 1 of each
1156 year.
1157 (a) The number of children placed with relatives and
1158 nonrelatives, in family foster homes, and in residential group
1159 care.
1160 (b) An inventory of available services that are necessary
1161 to maintain children in the least restrictive setting that meets
1162 the needs of the child and a plan for filling any identified gap
1163 in those services.
1164 (c) The number of children who were placed based upon the
1165 assessment.
1166 (d) An inventory of existing placements for children by
1167 type and by community-based care lead agency.
1168 (e) The strategies being used by community-based care lead
1169 agencies to recruit, train, and support an adequate number of
1170 families to provide home-based family care.
1171 (5) RULEMAKING.—The department may adopt rules to implement



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1172 this section.

1173 Section 14. Subsection (1) of section 39.6011, Florida
1174 Statutes, is amended to read:

1175 39.6011 Case plan development.—

1176 (1) The department shall prepare a draft of the case plan
1177 for each child receiving services under this chapter. A parent
1178 of a child may not be threatened or coerced with the loss of
1179 custody or parental rights for failing to admit in the case plan
1180 of abusing, neglecting, or abandoning a child. Participating in
1181 the development of a case plan is not an admission to any
1182 allegation of abuse, abandonment, or neglect, and it is not a
1183 consent to a finding of dependency or termination of parental
1184 rights. The case plan shall be developed subject to the
1185 following requirements:

1186 (a) The case plan must be developed in a face-to-face
1187 conference with the parent of the child, any court-appointed
1188 guardian ad litem, and, if appropriate, the child and the
1189 temporary custodian of the child.

1190 (b) Notwithstanding s. 39.202, the department may discuss
1191 confidential information during the case planning conference in
1192 the presence of individuals who participate in the conference.
1193 All individuals who participate in the conference shall maintain
1194 the confidentiality of all information shared during the case
1195 planning conference.

1196 (c) ~~(b)~~ The parent may receive assistance from any person or
1197 social service agency in preparing the case plan. The social
1198 service agency, the department, and the court, when applicable,
1199 shall inform the parent of the right to receive such assistance,
1200 including the right to assistance of counsel.



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1201 (d)~~(e)~~ If a parent is unwilling or unable to participate in
1202 developing a case plan, the department shall document that
1203 unwillingness or inability to participate. The documentation
1204 must be provided in writing to the parent when available for the
1205 court record, and the department shall prepare a case plan
1206 conforming as nearly as possible with the requirements set forth
1207 in this section. The unwillingness or inability of the parent to
1208 participate in developing a case plan does not preclude the
1209 filing of a petition for dependency or for termination of
1210 parental rights. The parent, if available, must be provided a
1211 copy of the case plan and be advised that he or she may, at any
1212 time before the filing of a petition for termination of parental
1213 rights, enter into a case plan and that he or she may request
1214 judicial review of any provision of the case plan with which he
1215 or she disagrees at any court hearing set for the child.

1216 Section 15. Subsection (1) of section 39.6012, Florida
1217 Statutes, is amended to read:

1218 39.6012 Case plan tasks; services.—

1219 (1) The services to be provided to the parent and the tasks
1220 that must be completed are subject to the following:

1221 (a) The services described in the case plan must be
1222 designed to improve the conditions in the home and aid in
1223 maintaining the child in the home, facilitate the child's safe
1224 return to the home, ensure proper care of the child, or
1225 facilitate the child's permanent placement. The services offered
1226 must be the least intrusive possible into the life of the parent
1227 and child, must focus on clearly defined objectives, and must
1228 provide the most efficient path to quick reunification or
1229 permanent placement given the circumstances of the case and the



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1230 child's need for safe and proper care.

1231 (b) The case plan must describe each of the tasks with
1232 which the parent must comply and the services to be provided to
1233 the parent, specifically addressing the identified problem,
1234 including:

1235 1. The type of services or treatment.

1236 2. The date the department will provide each service or
1237 referral for the service if the service is being provided by the
1238 department or its agent.

1239 3. The date by which the parent must complete each task.

1240 4. The frequency of services or treatment provided. The
1241 frequency of the delivery of services or treatment provided
1242 shall be determined by the professionals providing the services
1243 or treatment on a case-by-case basis and adjusted according to
1244 their best professional judgment.

1245 5. The location of the delivery of the services.

1246 6. The staff of the department or service provider
1247 accountable for the services or treatment.

1248 7. A description of the measurable objectives, including
1249 the timeframes specified for achieving the objectives of the
1250 case plan and addressing the identified problem.

1251 (c) If there is evidence of harm as defined in s.
1252 39.01(30)(g), the case plan must include as a required task for
1253 the parent whose actions caused the harm that the parent submit
1254 to a substance abuse disorder assessment or evaluation and
1255 participate and comply with treatment and services identified in
1256 the assessment or evaluation as being necessary.

1257 Section 16. Subsection (4) of section 39.6035, Florida
1258 Statutes, is amended to read:



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1259 39.6035 Transition plan.-

1260 ~~(4) If a child is planning to leave care upon reaching 18~~
1261 ~~years of age,~~ The transition plan must be approved by the court
1262 before the child's 18th birthday and must be attached to the
1263 case plan and updated before each judicial review ~~child leaves~~
1264 ~~care and the court terminates jurisdiction.~~

1265 Section 17. Present subsections (2) through (11) of section
1266 39.621, Florida Statutes, are redesignated as subsections (3)
1267 through (12), respectively, and a new subsection (2) is added to
1268 that section, to read:

1269 39.621 Permanency determination by the court.-

1270 (2) The permanency goal of maintaining and strengthening
1271 the placement with a parent may be used in all of the following
1272 circumstances:

1273 (a) If a child has not been removed from a parent, even if
1274 adjudication of dependency is withheld, the court may leave the
1275 child in the current placement with maintaining and
1276 strengthening the placement as a permanency option.

1277 (b) If a child has been removed from a parent and is placed
1278 with the parent from whom the child was not removed, the court
1279 may leave the child in the placement with the parent from whom
1280 the child was not removed with maintaining and strengthening the
1281 placement as a permanency option.

1282 (c) If a child has been removed from a parent and is
1283 subsequently reunified with that parent, the court may leave the
1284 child with that parent with maintaining and strengthening the
1285 placement as a permanency option.

1286 Section 18. Subsection (7) is added to section 39.6221,
1287 Florida Statutes, to read:



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1288 39.6221 Permanent guardianship of a dependent child.-

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

1291 Section 19. Paragraph (h) is added to subsection (1) of
1292 section 39.701, Florida Statutes, to read:

1293 39.701 Judicial review.-

1294 (1) GENERAL PROVISIONS.-

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

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

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

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

1311 Section 20. Subsection (3) of section 39.801, Florida
1312 Statutes, is amended to read:

1313 39.801 Procedures and jurisdiction; notice; service of
1314 process.-

1315 (3) Before the court may terminate parental rights, in
1316 addition to the other requirements set forth in this part, the



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1317 following requirements must be met:

1318 (a) Notice of the date, time, and place of the advisory
1319 hearing for the petition to terminate parental rights and a copy
1320 of the petition must be personally served upon the following
1321 persons, specifically notifying them that a petition has been
1322 filed:

1323 1. The parents of the child.

1324 2. The legal custodians of the child.

1325 3. If the parents who would be entitled to notice are dead
1326 or unknown, a living relative of the child, unless upon diligent
1327 search and inquiry no such relative can be found.

1328 4. Any person who has physical custody of the child.

1329 5. Any grandparent entitled to priority for adoption under
1330 s. 63.0425.

1331 6. Any prospective parent who has been identified under s.
1332 39.503 or s. 39.803, unless a court order has been entered
1333 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1334 indicates no further notice is required. Except as otherwise
1335 provided in this section, if there is not a legal father, notice
1336 of the petition for termination of parental rights must be
1337 provided to any known prospective father who is identified under
1338 oath before the court or who is identified by a diligent search
1339 of the Florida Putative Father Registry. Service of the notice
1340 of the petition for termination of parental rights is not
1341 required if the prospective father executes an affidavit of
1342 nonpaternity or a consent to termination of his parental rights
1343 which is accepted by the court after notice and opportunity to
1344 be heard by all parties to address the best interests of the
1345 child in accepting such affidavit.



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1346 7. The guardian ad litem for the child or the
1347 representative of the guardian ad litem program, if the program
1348 has been appointed.

1349
1350 The document containing the notice to respond or appear must
1351 contain, in type at least as large as the type in the balance of
1352 the document, the following or substantially similar language:
1353 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
1354 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
1355 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
1356 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
1357 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
1358 NOTICE."

1359 (b) If a party required to be served with notice as
1360 prescribed in paragraph (a) cannot be served, notice of hearings
1361 must be given as prescribed by the rules of civil procedure, and
1362 service of process must be made as specified by law or civil
1363 actions.

1364 (c) Notice as prescribed by this section may be waived, in
1365 the discretion of the judge, with regard to any person to whom
1366 notice must be given under this subsection if the person
1367 executes, before two witnesses and a notary public or other
1368 officer authorized to take acknowledgments, a written surrender
1369 of the child to a licensed child-placing agency or the
1370 department.

1371 (d) If the person served with notice under this section
1372 fails to personally appear at the advisory hearing, the failure
1373 to personally appear shall constitute consent for termination of
1374 parental rights by the person given notice. If a parent appears



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1375 for the advisory hearing and the court orders that parent to
1376 personally appear at the adjudicatory hearing for the petition
1377 for termination of parental rights, stating the date, time, and
1378 location of said hearing, then failure of that parent to
1379 personally appear at the adjudicatory hearing shall constitute
1380 consent for termination of parental rights.

1381 Section 21. Section 39.803, Florida Statutes, is amended to
1382 read:

1383 39.803 Identity or location of parent unknown after filing
1384 of termination of parental rights petition; special procedures.-

1385 (1) If the identity or location of a parent is unknown and
1386 a petition for termination of parental rights is filed, the
1387 court shall conduct under oath the following inquiry of the
1388 parent who is available, or, if no parent is available, of any
1389 relative, caregiver, or legal custodian of the child who is
1390 present at the hearing and likely to have the information:

1391 (a) Whether the mother of the child was married at the
1392 probable time of conception of the child or at the time of birth
1393 of the child.

1394 (b) Whether the mother was cohabiting with a male at the
1395 probable time of conception of the child.

1396 (c) Whether the mother has received payments or promises of
1397 support with respect to the child or because of her pregnancy
1398 from a man who claims to be the father.

1399 (d) Whether the mother has named any man as the father on
1400 the birth certificate of the child or in connection with
1401 applying for or receiving public assistance.

1402 (e) Whether any man has acknowledged or claimed paternity
1403 of the child in a jurisdiction in which the mother resided at



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1404 the time of or since conception of the child, or in which the
1405 child has resided or resides.

1406 (f) Whether a man is named on the birth certificate of the
1407 child pursuant to s. 382.013(2).

1408 (g) Whether a man has been determined by a court order to
1409 be the father of the child.

1410 (h) Whether a man has been determined to be the father of
1411 the child by the Department of Revenue as provided in s.
1412 409.256.

1413 (2) The information required in subsection (1) may be
1414 supplied to the court or the department in the form of a sworn
1415 affidavit by a person having personal knowledge of the facts.

1416 (3) If the inquiry under subsection (1) identifies any
1417 person as a parent or prospective parent, the court shall
1418 require notice of the hearing to be provided to that person.

1419 (4) If the inquiry under subsection (1) fails to identify
1420 any person as a parent or prospective parent, the court shall so
1421 find and may proceed without further notice.

1422 (5) If the inquiry under subsection (1) identifies a parent
1423 or prospective parent, and that person's location is unknown,
1424 the court shall direct the petitioner to conduct a diligent
1425 search for that person before scheduling an adjudicatory hearing
1426 regarding the petition for termination of parental rights to the
1427 child unless the court finds that the best interest of the child
1428 requires proceeding without actual notice to the person whose
1429 location is unknown.

1430 (6) The diligent search required by subsection (5) must
1431 include, at a minimum, inquiries of all known relatives of the
1432 parent or prospective parent, inquiries of all offices of



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

1445 (7) Any agency contacted by petitioner with a request for
1446 information pursuant to subsection (6) shall release the
1447 requested information to the petitioner without the necessity of
1448 a subpoena or court order.

1449 (8) If the inquiry and diligent search identifies a
1450 prospective parent, that person must be given the opportunity to
1451 become a party to the proceedings by completing a sworn
1452 affidavit of parenthood and filing it with the court or the
1453 department. A prospective parent who files a sworn affidavit of
1454 parenthood while the child is a dependent child but no later
1455 than at the time of or before ~~prior to~~ the adjudicatory hearing
1456 in the termination of parental rights proceeding for the child
1457 shall be considered a parent for all purposes under this
1458 section.

1459 (9) If the diligent search under subsection (5) fails to
1460 identify and locate a prospective parent, the court shall so
1461 find and may proceed without further notice.



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1462 Section 22. Paragraph (1) of subsection (1) of section
1463 39.806, Florida Statutes, is amended, and subsections (2) and
1464 (3) of that section are republished, to read:

1465 39.806 Grounds for termination of parental rights.—

1466 (1) Grounds for the termination of parental rights may be
1467 established under any of the following circumstances:

1468 (1) On three or more occasions the child or another child
1469 of the parent or parents has been placed in out-of-home care
1470 pursuant to this chapter or the law of any state, territory, or
1471 jurisdiction of the United States which is substantially similar
1472 to this chapter, and the conditions that led to the child's out-
1473 of-home placement were caused by the parent or parents.

1474 (2) Reasonable efforts to preserve and reunify families are
1475 not required if a court of competent jurisdiction has determined
1476 that any of the events described in paragraphs (1)(b)-(d) or
1477 paragraphs (1)(f)-(m) have occurred.

1478 (3) If a petition for termination of parental rights is
1479 filed under subsection (1), a separate petition for dependency
1480 need not be filed and the department need not offer the parents
1481 a case plan having a goal of reunification, but may instead file
1482 with the court a case plan having a goal of termination of
1483 parental rights to allow continuation of services until the
1484 termination is granted or until further orders of the court are
1485 issued.

1486 Section 23. Subsection (6) of section 39.811, Florida
1487 Statutes, is amended to read:

1488 39.811 Powers of disposition; order of disposition.—

1489 (6) The parental rights of one parent may be severed
1490 without severing the parental rights of the other parent only



1491 under the following circumstances:

1492 (a) If the child has only one surviving parent;

1493 (b) If the identity of a prospective parent has been
1494 established as unknown after sworn testimony;

1495 (c) If the parent whose rights are being terminated became
1496 a parent through a single-parent adoption;

1497 (d) If the protection of the child demands termination of
1498 the rights of a single parent; or

1499 (e) If the parent whose rights are being terminated meets
1500 any of the criteria specified in s. 39.806(1) (c), (d), (f), (g),
1501 (h), (i), (j), (k), (l), (m), or (n) and ~~(f)-(m)~~.

1502 Section 24. Paragraph (b) of subsection (4) of section
1503 125.901, Florida Statutes, is amended to read:

1504 125.901 Children's services; independent special district;
1505 council; powers, duties, and functions; public records
1506 exemption.—

1507 (4)

1508 (b)1.a. Notwithstanding paragraph (a), the governing body
1509 of the county shall submit the question of retention or
1510 dissolution of a district with voter-approved taxing authority
1511 to the electorate in the general election according to the
1512 following schedule:

1513 (I) For a district in existence on July 1, 2010, and
1514 serving a county with a population of 400,000 or fewer persons
1515 as of that date.....2014.

1516 (II) For a district in existence on July 1, 2010, and
1517 serving a county with a population of 2 million or more persons
1518 as of that date, unless the governing body of the county has
1519 previously submitted such question voluntarily to the electorate



1520 for a second time since 2005,.....2020.

1521 b. A referendum by the electorate on or after July 1, 2010,
1522 creating a new district with taxing authority may specify that
1523 the district is not subject to reauthorization or may specify
1524 the number of years for which the initial authorization shall
1525 remain effective. If the referendum does not prescribe terms of
1526 reauthorization, the governing body of the county shall submit
1527 the question of retention or dissolution of the district to the
1528 electorate in the general election 12 years after the initial
1529 authorization.

1530 2. The governing body of the district may specify, and
1531 submit to the governing body of the county no later than 9
1532 months before the scheduled election, that the district is not
1533 subsequently subject to reauthorization or may specify the
1534 number of years for which a reauthorization under this paragraph
1535 shall remain effective. If the governing body of the district
1536 makes such specification and submission, the governing body of
1537 the county shall include that information in the question
1538 submitted to the electorate. If the governing body of the
1539 district does not specify and submit such information, the
1540 governing body of the county shall resubmit the question of
1541 reauthorization to the electorate every 12 years after the year
1542 prescribed in subparagraph 1. The governing body of the district
1543 may recommend to the governing body of the county language for
1544 the question submitted to the electorate.

1545 3. Nothing in this paragraph limits the authority to
1546 dissolve a district as provided under paragraph (a).

1547 4. Nothing in this paragraph precludes the governing body
1548 of a district from requesting that the governing body of the



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1549 county submit the question of retention or dissolution of a
1550 district with voter-approved taxing authority to the electorate
1551 at a date earlier than the year prescribed in subparagraph 1. If
1552 the governing body of the county accepts the request and submits
1553 the question to the electorate, the governing body satisfies the
1554 requirement of that subparagraph.

1555

1556 If any district is dissolved pursuant to this subsection, each
1557 county must first obligate itself to assume the debts,
1558 liabilities, contracts, and outstanding obligations of the
1559 district within the total millage available to the county
1560 governing body for all county and municipal purposes as provided
1561 for under s. 9, Art. VII of the State Constitution. Any district
1562 may also be dissolved pursuant to part VII of chapter 189.

1563 Section 25. Paragraphs (g) and (h) of subsection (2) of
1564 section 394.463, Florida Statutes, are amended to read:

1565 394.463 Involuntary examination.-

1566 (2) INVOLUNTARY EXAMINATION.-

1567 (g) The examination period must be for up to 72 hours. For
1568 a minor, the examination shall be initiated within 12 hours
1569 after the patient's arrival at the facility. Within the 72-hour
1570 examination period or, if the examination period 72-hours ends
1571 on a weekend or holiday, no later than the next working day
1572 thereafter, one of the following actions must be taken, based on
1573 the individual needs of the patient:

1574 1. The patient shall be released, unless he or she is
1575 charged with a crime, in which case the patient shall be
1576 returned to the custody of a law enforcement officer;

1577 2. The patient shall be released, subject to ~~the provisions~~



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1578 ~~of~~ subparagraph 1., for voluntary outpatient treatment;

1579 3. The patient, unless he or she is charged with a crime,
1580 shall be asked to give express and informed consent to placement
1581 as a voluntary patient and, if such consent is given, the
1582 patient shall be admitted as a voluntary patient; or

1583 4. A petition for involuntary services shall be filed in
1584 the circuit court if inpatient treatment is deemed necessary or
1585 with the criminal county court, as defined in s. 394.4655(1), as
1586 applicable. When inpatient treatment is deemed necessary, the
1587 least restrictive treatment consistent with the optimum
1588 improvement of the patient's condition shall be made available.
1589 When a petition is to be filed for involuntary outpatient
1590 placement, it shall be filed by one of the petitioners specified
1591 in s. 394.4655(4) (a). A petition for involuntary inpatient
1592 placement shall be filed by the facility administrator.

1593 (h) A person for whom an involuntary examination has been
1594 initiated who is being evaluated or treated at a hospital for an
1595 emergency medical condition specified in s. 395.002 must be
1596 examined by a facility within the examination period specified
1597 in paragraph (g) 72 hours. The examination 72-hour period begins
1598 when the patient arrives at the hospital and ceases when the
1599 attending physician documents that the patient has an emergency
1600 medical condition. If the patient is examined at a hospital
1601 providing emergency medical services by a professional qualified
1602 to perform an involuntary examination and is found as a result
1603 of that examination not to meet the criteria for involuntary
1604 outpatient services pursuant to s. 394.4655(2) or involuntary
1605 inpatient placement pursuant to s. 394.467(1), the patient may
1606 be offered voluntary services or placement, if appropriate, or



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1607 released directly from the hospital providing emergency medical
1608 services. The finding by the professional that the patient has
1609 been examined and does not meet the criteria for involuntary
1610 inpatient services or involuntary outpatient placement must be
1611 entered into the patient's clinical record. This paragraph is
1612 not intended to prevent a hospital providing emergency medical
1613 services from appropriately transferring a patient to another
1614 hospital before stabilization if the requirements of s.
1615 395.1041(3) (c) have been met.

1616 Section 26. (1) There is created a task force within the
1617 Department of Children and Families to address the issue of
1618 involuntary examinations under s. 394.463, Florida Statutes, of
1619 children age 17 years and younger. The task force shall, at a
1620 minimum, analyze data on the initiation of involuntary
1621 examinations of children, research the root causes of any trends
1622 in such involuntary examinations, identify and evaluate options
1623 for expediting examinations for children, and identify
1624 recommendations for encouraging alternatives to and eliminating
1625 inappropriate initiations of such examinations. The task force
1626 shall submit a report of its findings to the Governor, the
1627 President of the Senate, and the Speaker of the House of
1628 Representatives on or before November 15, 2017.

1629 (2) The Secretary of Children and Families or his or her
1630 designee shall chair the task force, which shall consist of the
1631 following members appointed by the secretary:

1632 (a) The Commissioner of Education or his or her designee.

1633 (b) A representative of the Florida Public Defender
1634 Association.

1635 (c) A representative of the Florida Association of District



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1636 School Superintendents.
1637 (d) A representative of the Florida Sheriffs Association.
1638 (e) A representative of the Florida Police Chiefs
1639 Association.
1640 (f) A representative of the Florida Council for Community
1641 Mental Health.
1642 (g) A representative of the Florida Alcohol and Drug Abuse
1643 Association.
1644 (h) A representative of the Behavioral Health Care Council
1645 of the Florida Hospital Association.
1646 (i) A representative of the Florida Psychiatric Society.
1647 (j) A representative of the National Alliance on Mental
1648 Illness.
1649 (k) One individual who is a family member of a minor who
1650 has been subject to an involuntary examination.
1651 (l) Other members as deemed appropriate by the Secretary of
1652 Children and Families.
1653 (3) The department shall use existing and available
1654 resources to administer and support the activities of the task
1655 force. Members of the task force shall serve without
1656 compensation and are not entitled to reimbursement for per diem
1657 or travel expense. The task force may conduct its meetings by
1658 teleconference.
1659 (4) This section expires March 31, 2018.
1660 Section 27. Paragraph (g) of subsection (4) of section
1661 395.3025, Florida Statutes, is amended, and subsection (8) of
1662 that section is republished, to read:
1663 395.3025 Patient and personnel records; copies;
1664 examination.-



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1665 (4) Patient records are confidential and must not be
1666 disclosed without the consent of the patient or his or her legal
1667 representative, but appropriate disclosure may be made without
1668 such consent to:

1669 (g) The Department of Children and Families, ~~or~~ its agent,
1670 or its contracted entity, for the purpose of investigations of
1671 or services for cases of abuse, neglect, or exploitation of
1672 children or vulnerable adults.

1673 (8) Patient records at hospitals and ambulatory surgical
1674 centers are exempt from disclosure under s. 119.07(1), except as
1675 provided by subsections (1)-(5).

1676 Section 28. Subsections (2) and (6) of section 402.40,
1677 Florida Statutes, are amended to read:

1678 402.40 Child welfare training and certification.—

1679 (2) DEFINITIONS.—As used in this section, the term:

1680 (a) "Child welfare certification" means a professional
1681 credential awarded by a department-approved third-party
1682 credentialing entity to individuals demonstrating core
1683 competency in any child welfare practice area.

1684 (b) "Child welfare services" means any intake, protective
1685 investigations, preprotective services, protective services,
1686 foster care, shelter and group care, and adoption and related
1687 services program, including supportive services and supervision
1688 provided to children who are alleged to have been abused,
1689 abandoned, or neglected or who are at risk of becoming, are
1690 alleged to be, or have been found dependent pursuant to chapter
1691 39.

1692 (c) "Child welfare trainer" means any person providing
1693 training for the purposes of child welfare professionals earning



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1694 certification.

1695 (d)~~(e)~~ "Core competency" means the minimum knowledge,
1696 skills, and abilities necessary to carry out work
1697 responsibilities.

1698 (e)~~(d)~~ "Person providing child welfare services" means a
1699 person who has a responsibility for supervisory, direct care, or
1700 support-related work in the provision of child welfare services
1701 pursuant to chapter 39.

1702 (f)~~(e)~~ "Preservice curriculum" means the minimum statewide
1703 training content based upon the core competencies which is made
1704 available to all persons providing child welfare services.

1705 (g)~~(f)~~ "Third-party credentialing entity" means a
1706 department-approved nonprofit organization that has met
1707 nationally recognized standards for developing and administering
1708 professional certification programs.

1709 (6) ADOPTION OF RULES.—The Department of Children and
1710 Families shall adopt rules necessary to carry out ~~the provisions~~
1711 ~~of~~ this section, including the requirements for child welfare
1712 trainers.

1713 Section 29. Section 409.16742, Florida Statutes, is created
1714 to read:

1715 409.16742 Shared family care residential services program
1716 for substance-exposed newborns.—

1717 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
1718 that there is evidence that, with appropriate support and
1719 training, some families can remain safely together without court
1720 involvement or traumatic separations. Therefore, it is the
1721 intent of the Legislature that alternative types of placement
1722 options be available which provide both safety for substance-



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1723 exposed newborns and an opportunity for parents recovering from
1724 substance abuse disorders to achieve independence while living
1725 together in a protective, nurturing family environment.

1726 (2) ESTABLISHMENT OF PILOT PROGRAM.—The department shall
1727 establish a shared family care residential services program to
1728 serve substance-exposed newborns and their families through a
1729 contract with the designated lead agency established in
1730 accordance with s. 409.987 or with a private entity capable of
1731 providing residential care that satisfies the requirements of
1732 this section. The private entity or lead agency is responsible
1733 for all programmatic functions necessary to carry out the intent
1734 of this section. As used in this section, the term “shared
1735 family care” means out-of-home care in which an entire family in
1736 need is temporarily placed in the home of a family who is
1737 trained to mentor and support the biological parents as they
1738 develop the caring skills and supports necessary for independent
1739 living.

1740 (3) SERVICES.—The department shall specify services that
1741 must be made available to newborns and their families through
1742 the pilot program.

1743 Section 30. Section 409.992, Florida Statutes, is amended
1744 to read:

1745 409.992 Lead agency expenditures.—

1746 (1) The procurement of commodities or contractual services
1747 by lead agencies shall be governed by the financial guidelines
1748 developed by the department and must comply with applicable
1749 state and federal law and follow good business practices.
1750 Pursuant to s. 11.45, the Auditor General may provide technical
1751 advice in the development of the financial guidelines.



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1752 (2) Notwithstanding any other provision of law, a
1753 community-based care lead agency may make expenditures for staff
1754 cellular telephone allowances, contracts requiring deferred
1755 payments and maintenance agreements, security deposits for
1756 office leases, related agency professional membership dues other
1757 than personal professional membership dues, promotional
1758 materials, and grant writing services. Expenditures for food and
1759 refreshments, other than those provided to clients in the care
1760 of the agency or to foster parents, adoptive parents, and
1761 caseworkers during training sessions, are not allowable.

1762 (3) Notwithstanding any other provision of law, a
1763 community-based care lead agency administrative employee may not
1764 receive a salary, whether base pay or base pay combined with any
1765 bonus or incentive payments, in excess of 150 percent of the
1766 annual salary paid to the secretary of the Department of
1767 Children and Families from state-appropriated funds, including
1768 state-appropriated federal funds. This subsection does not
1769 prohibit any party from providing cash that is not from
1770 appropriated state funds to a community-based care lead agency
1771 administrative employee.

1772 (4)~~(3)~~ A lead community-based care agency and its
1773 subcontractors are exempt from state travel policies as provided
1774 in s. 112.061(3)(a) for their travel expenses incurred in order
1775 to comply with the requirements of this section.

1776 Section 31. Subsections (22) and (23) are added to section
1777 409.996, Florida Statutes, to read

1778 409.996 Duties of the Department of Children and Families.—
1779 The department shall contract for the delivery, administration,
1780 or management of care for children in the child protection and



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1781 child welfare system. In doing so, the department retains
1782 responsibility for the quality of contracted services and
1783 programs and shall ensure that services are delivered in
1784 accordance with applicable federal and state statutes and
1785 regulations.

1786 (22) The department shall develop, in collaboration with
1787 the Florida Institute for Child Welfare, lead agencies, service
1788 providers, current and former foster children placed in
1789 residential group care, and other community stakeholders, a
1790 statewide accountability system for residential group care
1791 providers based on measureable quality standards.

1792 (a) The accountability system must:

1793 1. Promote high quality in services and accommodations,
1794 differentiating between shift and family-style models and
1795 programs and services for children with specialized or
1796 extraordinary needs, such as pregnant teens and children with
1797 Department of Juvenile Justice involvement.

1798 2. Include a quality measurement system with domains and
1799 clearly defined levels of quality. The system must measure the
1800 level of quality for each domain, using criteria that
1801 residential group care providers must meet in order to achieve
1802 each level of quality. Domains may include, but are not limited
1803 to, admissions, service planning, treatment planning, living
1804 environment, and program and service requirements. The system
1805 may also consider outcomes 6 months and 12 months after a child
1806 leaves the provider's care. However, the system may not assign a
1807 single summary rating to residential group care providers.

1808 3. Consider the level of availability of trauma-informed
1809 care and mental health and physical health services, providers'



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1810 engagement with the schools children in their care attend, and
1811 opportunities for children's involvement in extracurricular
1812 activities.

1813 (b) After development and implementation of the
1814 accountability system in accordance with paragraph (a), the
1815 department and each lead agency shall use the information from
1816 the accountability system to promote enhanced quality in
1817 residential group care within their respective areas of
1818 responsibility. Such promotion may include, but is not limited
1819 to, the use of incentives and ongoing contract monitoring
1820 efforts.

1821 (c) The department shall submit a report to the Governor,
1822 the President of the Senate, and the Speaker of the House of
1823 Representatives by October 1 of each year, with the first report
1824 due October 1, 2017. The report must, at a minimum, include an
1825 update on the development of a statewide accountability system
1826 for residential group care providers and a plan for department
1827 oversight and implementation of the statewide accountability
1828 system. After implementation of the statewide accountability
1829 system, the report must also include a description of the
1830 system, including measures and any tools developed, a
1831 description of how the information is being used by the
1832 department and lead agencies, an assessment of placement of
1833 children in residential group care using data from the
1834 accountability system measures, and recommendations to further
1835 improve quality in residential group care.

1836 (d) The accountability system must be implemented by July
1837 1, 2022.

1838 (e) Nothing in this subsection impairs the department's



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1839 licensure authority under s. 409.175.

1840 (f) The department may adopt rules to administer this
1841 subsection.

1842 (23) (a) The department, in collaboration with the Florida
1843 Institute for Child Welfare, shall convene a workgroup on foster
1844 home quality. The workgroup, at a minimum, shall identify
1845 measures of foster home quality, review current efforts by lead
1846 agencies and subcontractors to enhance foster home quality,
1847 identify barriers to the greater availability of high-quality
1848 foster homes, and recommend additional strategies for assessing
1849 the quality of foster homes and increasing the availability of
1850 high-quality foster homes.

1851 (b) The workgroup shall include representatives from the
1852 department, the Florida Institute for Child Welfare, foster
1853 parents, current and former foster children, foster parent
1854 organizations, lead agencies, child-placing agencies, other
1855 service providers, and others as determined by the department.

1856 (c) The Florida Institute for Child Welfare shall provide
1857 the workgroup with relevant research on, at a minimum, measures
1858 of quality of foster homes; evidence-supported strategies to
1859 increase the availability of high-quality foster homes, such as
1860 those regarding recruitment, screening, training, retention, and
1861 child placement; descriptions and results of quality improvement
1862 efforts in other jurisdictions; and the root causes of placement
1863 disruption.

1864 (d) The department shall submit a report to the Governor,
1865 the President of the Senate, and the Speaker of the House of
1866 Representatives by November 15, 2017. The report shall, at a
1867 minimum:



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- 1868 1. Describe the important dimensions of quality for foster
1869 homes;
- 1870 2. Describe the foster home quality enhancement efforts in
1871 the state, including, but not limited to, recruitment,
1872 retention, placement procedures, systems change, and quality
1873 measurement programs, and any positive or negative results;
- 1874 3. Identify barriers to the greater availability of high-
1875 quality foster homes;
- 1876 4. Discuss available research regarding high-quality foster
1877 homes; and
- 1878 5. Present a plan for developing and implementing
1879 strategies to increase the availability of high-quality foster
1880 homes. The strategies shall address important elements of
1881 quality, be based on available research, include both
1882 qualitative and quantitative measures of quality, integrate with
1883 the community-based care model, and be respectful of the privacy
1884 and needs of foster parents. The plan shall recommend possible
1885 instruments and measures and identify any changes to general law
1886 or rule necessary for implementation.
- 1887 Section 32. Paragraph (a) of subsection (7) of section
1888 456.057, Florida Statutes, is amended to read:
- 1889 456.057 Ownership and control of patient records; report or
1890 copies of records to be furnished; disclosure of information.—
- 1891 (7) (a) Except as otherwise provided in this section and in
1892 s. 440.13(4) (c), such records may not be furnished to, and the
1893 medical condition of a patient may not be discussed with, any
1894 person other than the patient, the patient's legal
1895 representative, or other health care practitioners and providers
1896 involved in the patient's care or treatment, except upon written



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1897 authorization from the patient. However, such records may be
1898 furnished without written authorization under the following
1899 circumstances:

1900 1. To any person, firm, or corporation that has procured or
1901 furnished such care or treatment with the patient's consent.

1902 2. When compulsory physical examination is made pursuant to
1903 Rule 1.360, Florida Rules of Civil Procedure, in which case
1904 copies of the medical records shall be furnished to both the
1905 defendant and the plaintiff.

1906 3. In any civil or criminal action, unless otherwise
1907 prohibited by law, upon the issuance of a subpoena from a court
1908 of competent jurisdiction and proper notice to the patient or
1909 the patient's legal representative by the party seeking such
1910 records.

1911 4. For statistical and scientific research, provided the
1912 information is abstracted in such a way as to protect the
1913 identity of the patient or provided written permission is
1914 received from the patient or the patient's legal representative.

1915 5. To a regional poison control center for purposes of
1916 treating a poison episode under evaluation, case management of
1917 poison cases, or compliance with data collection and reporting
1918 requirements of s. 395.1027 and the professional organization
1919 that certifies poison control centers in accordance with federal
1920 law.

1921 6. To the Department of Children and Families, its agent,
1922 or its contracted entity, for the purpose of investigations of
1923 or services for cases of abuse, neglect, or exploitation of
1924 children or vulnerable adults.

1925 Section 33. Section 409.141, Florida Statutes, is repealed.



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1926 Section 34. Section 409.1677, Florida Statutes, is
1927 repealed.

1928 Section 35. Section 743.067, Florida Statutes, is amended
1929 to read:

1930 743.067 Certified unaccompanied homeless youths.-

1931 (1) For purposes of this section, an "unaccompanied
1932 homeless youth" is an individual who is 16 years of age or older
1933 and is:

1934 (a) Found by a school district's liaison for homeless
1935 children and youths to be an unaccompanied homeless youth
1936 eligible for services pursuant to the McKinney-Vento Homeless
1937 Assistance Act, 42 U.S.C. ss. 11431-11435; or

1938 (b) Believed to qualify as an unaccompanied homeless youth,
1939 as that term is defined in the McKinney-Vento Homeless
1940 Assistance Act, by:

1941 1. The director of an emergency shelter program funded by
1942 the United States Department of Housing and Urban Development,
1943 or the director's designee;

1944 2. The director of a runaway or homeless youth basic center
1945 or transitional living program funded by the United States
1946 Department of Health and Human Services, or the director's
1947 designee; or

1948 ~~3. A clinical social worker licensed under chapter 491; or~~

1949 ~~4. A circuit court.~~

1950 3. A continuum of care lead agency, or its designee.

1951 (2) (a) The State Office on Homelessness within the
1952 Department of Children and Families shall develop a standardized
1953 form that must be used by the entities specified in subsection

1954 (1) to certify qualifying unaccompanied homeless youth. The



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1955 front of the form must include the circumstances that qualify
1956 the youth; the date the youth was certified; and the name,
1957 title, and signature of the certifying individual. This section
1958 must be reproduced in its entirety on the back of the form A
1959 ~~minor who qualifies as an unaccompanied homeless youth shall be~~
1960 ~~issued a written certificate documenting his or her status by~~
1961 ~~the appropriate individual as provided in subsection (1). The~~
1962 ~~certificate shall be issued on the official letterhead~~
1963 ~~stationery of the person making the determination and shall~~
1964 ~~include the date of the finding, a citation to this section, and~~
1965 ~~the signature of the individual making the finding.~~

1966 (b) A certified unaccompanied homeless youth may use the
1967 completed form to apply at no charge for an identification card
1968 issued by the Department of Highway Safety and Motor Vehicles
1969 pursuant to s. 322.051(9).

1970 (c) A health care provider may accept the written
1971 certificate as proof of the minor's status as a certified an
1972 unaccompanied homeless youth and may keep a copy of the
1973 certificate in the youth's medical file.

1974 (3) A certified an unaccompanied homeless youth may:

1975 (a) Petition the circuit court to have the disabilities of
1976 nonage removed under s. 743.015. The youth shall qualify as a
1977 person not required to prepay costs and fees as provided in s.
1978 57.081. The court shall advance the cause on the calendar.

1979 (b) Notwithstanding s. 394.4625(1), consent to medical,
1980 dental, psychological, substance abuse, and surgical diagnosis
1981 and treatment, including preventative care and care by a
1982 facility licensed under chapter 394, chapter 395, or chapter 397
1983 and any forensic medical examination for the purpose of



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1984 investigating any felony offense under chapter 784, chapter 787,
1985 chapter 794, chapter 800, or chapter 827, for:

1986 1. Himself or herself; or

1987 2. His or her child, if the certified unaccompanied
1988 homeless youth is unmarried, is the parent of the child, and has
1989 actual custody of the child.

1990 (4) This section does not affect the requirements of s.
1991 390.01114.

1992 Section 36. Paragraph (f) of subsection (1) of section
1993 1009.25, Florida Statutes, is amended to read:

1994 1009.25 Fee exemptions.—

1995 (1) The following students are exempt from the payment of
1996 tuition and fees, including lab fees, at a school district that
1997 provides workforce education programs, Florida College System
1998 institution, or state university:

1999 (f) A student who lacks a fixed, regular, and adequate
2000 nighttime residence or whose primary nighttime residence is a
2001 public or private shelter designed to provide temporary
2002 residence, a public or private transitional living program for
2003 individuals intended to be institutionalized, or a public or
2004 private place not designed for, or ordinarily used as, a regular
2005 sleeping accommodation for human beings. This includes a student
2006 who would otherwise meet the requirements of this paragraph, as
2007 determined by a college or university, but for his or her
2008 residence in college or university dormitory housing.

2009 Section 37. Subsection (1) of section 39.524, Florida
2010 Statutes, is amended to read:

2011 39.524 Safe-harbor placement.—

2012 (1) Except as provided in s. 39.407 or s. 985.801, a



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2013 dependent child 6 years of age or older who has been found to be
2014 a victim of sexual exploitation as defined in s. 39.01(71)(g) ~~s.~~
2015 ~~39.01(70)(g)~~ must be assessed for placement in a safe house or
2016 safe foster home as provided in s. 409.1678 using the initial
2017 screening and assessment instruments provided in s. 409.1754(1).
2018 If such placement is determined to be appropriate for the child
2019 as a result of this assessment, the child may be placed in a
2020 safe house or safe foster home, if one is available. However,
2021 the child may be placed in another setting, if the other setting
2022 is more appropriate to the child's needs or if a safe house or
2023 safe foster home is unavailable, as long as the child's
2024 behaviors are managed so as not to endanger other children
2025 served in that setting.

2026 Section 38. Paragraph (p) of subsection (4) of section
2027 394.495, Florida Statutes, is amended to read:

2028 394.495 Child and adolescent mental health system of care;
2029 programs and services.—

2030 (4) The array of services may include, but is not limited
2031 to:

2032 (p) Trauma-informed services for children who have suffered
2033 sexual exploitation as defined in s. 39.01(71)(g) ~~s.~~
2034 ~~39.01(70)(g)~~.

2035 Section 39. Paragraph (c) of subsection (1) and paragraphs
2036 (a) and (b) of subsection (6) of section 409.1678, Florida
2037 Statutes, are amended to read:

2038 409.1678 Specialized residential options for children who
2039 are victims of sexual exploitation.—

2040 (1) DEFINITIONS.—As used in this section, the term:

2041 (c) "Sexually exploited child" means a child who has



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2042 suffered sexual exploitation as defined in s. 39.01(71)(g) ~~s.~~
2043 ~~39.01(70)(g)~~ and is ineligible for relief and benefits under the
2044 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101
2045 et seq.

2046 (6) LOCATION INFORMATION.—

2047 (a) Information about the location of a safe house, safe
2048 foster home, or other residential facility serving victims of
2049 sexual exploitation, as defined in s. 39.01(71)(g) ~~s.~~
2050 ~~39.01(70)(g)~~, which is held by an agency, as defined in s.
2051 119.011, is confidential and exempt from s. 119.07(1) and s.
2052 24(a), Art. I of the State Constitution. This exemption applies
2053 to such confidential and exempt information held by an agency
2054 before, on, or after the effective date of the exemption.

2055 (b) Information about the location of a safe house, safe
2056 foster home, or other residential facility serving victims of
2057 sexual exploitation, as defined in s. 39.01(71)(g) ~~s.~~
2058 ~~39.01(70)(g)~~, may be provided to an agency, as defined in s.
2059 119.011, as necessary to maintain health and safety standards
2060 and to address emergency situations in the safe house, safe
2061 foster home, or other residential facility.

2062 Section 40. Subsection (5) of section 960.065, Florida
2063 Statutes, is amended to read:

2064 960.065 Eligibility for awards.—

2065 (5) A person is not ineligible for an award pursuant to
2066 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
2067 person is a victim of sexual exploitation of a child as defined
2068 in s. 39.01(71)(g) ~~s. 39.01(70)(g)~~.

2069 Section 41. Section 409.1679, Florida Statutes, is amended
2070 to read:



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2071 409.1679 Additional requirements; reimbursement
2072 methodology.—

2073 (1) Each program established under s. 409.1676 ~~ss. 409.1676~~
2074 ~~and 409.1677~~ must meet the following expectations, which must be
2075 included in its contracts with the department or lead agency:

2076 (a) No more than 10 percent of the children served may move
2077 from one living environment to another, unless the child is
2078 returned to family members or is moved, in accordance with the
2079 treatment plan, to a less-restrictive setting. Each child must
2080 have a comprehensive transitional plan that identifies the
2081 child's living arrangement upon leaving the program and specific
2082 steps and services that are being provided to prepare for that
2083 arrangement. Specific expectations as to the time period
2084 necessary for the achievement of these permanency goals must be
2085 included in the contract.

2086 (b) Each child must receive a full academic year of
2087 appropriate educational instruction. No more than 10 percent of
2088 the children may be in more than one academic setting in an
2089 academic year, unless the child is being moved, in accordance
2090 with an educational plan, to a less-restrictive setting. Each
2091 child must demonstrate academic progress and must be performing
2092 at grade level or at a level commensurate with a valid academic
2093 assessment.

2094 (c) Siblings must be kept together in the same living
2095 environment 100 percent of the time, unless that is determined
2096 by the provider not to be in the children's best interest. When
2097 siblings are separated in placement, the decision must be
2098 reviewed and approved by the court within 30 days.

2099 (d) The program must experience a caregiver turnover rate



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2100 and an incidence of child runaway episodes which are at least 50
2101 percent below the rates experienced in the rest of the state.

2102 (e) In addition to providing a comprehensive assessment,
2103 the program must provide, 100 percent of the time, any or all of
2104 the following services that are indicated through the
2105 assessment: residential care; transportation; behavioral health
2106 services; recreational activities; clothing, supplies, and
2107 miscellaneous expenses associated with caring for these
2108 children; necessary arrangements for or provision of educational
2109 services; and necessary and appropriate health and dental care.

2110 (f) The children who are served in this program must be
2111 satisfied with the services and living environment.

2112 (g) The caregivers must be satisfied with the program.

2113 (2) ~~Notwithstanding the provisions of s. 409.141,~~ The
2114 Department of Children and Families shall fairly and reasonably
2115 reimburse the programs established under s. 409.1676 ~~ss.~~
2116 ~~409.1676 and 409.1677~~ based on a prospective per diem rate,
2117 which must be specified annually in the General Appropriations
2118 Act. Funding for these programs shall be made available from
2119 resources appropriated and identified in the General
2120 Appropriations Act.

2121 Section 42. Subsection (11) of section 1002.3305, Florida
2122 Statutes, is amended to read:

2123 1002.3305 College-Preparatory Boarding Academy Pilot
2124 Program for at-risk students.—

2125 (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~
2126 ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an
2127 operator may house and educate dependent, at-risk youth in its
2128 residential school for the purpose of facilitating the mission



2129 of the program and encouraging innovative practices.

2130 Section 43. For the purpose of incorporating the amendment
2131 made by this act to section 456.057, Florida Statutes, in a
2132 reference thereto, subsection (2) of section 483.181, Florida
2133 Statutes, is reenacted to read:

2134 483.181 Acceptance, collection, identification, and
2135 examination of specimens.-

2136 (2) The results of a test must be reported directly to the
2137 licensed practitioner or other authorized person who requested
2138 it, and appropriate disclosure may be made by the clinical
2139 laboratory without a patient's consent to other health care
2140 practitioners and providers involved in the care or treatment of
2141 the patient as specified in s. 456.057(7)(a). The report must
2142 include the name and address of the clinical laboratory in which
2143 the test was actually performed, unless the test was performed
2144 in a hospital laboratory and the report becomes an integral part
2145 of the hospital record.

2146 Section 44. The sum of \$250,000 from nonrecurring general
2147 revenue is appropriated to the Department of Children and
2148 Families the 2017-2018 fiscal year for the purpose of
2149 implementing a shared family care residential services pilot
2150 program to serve substance-exposed newborns and their families
2151 pursuant to s. 409.16742, Florida Statutes.

2152 Section 45. Except as otherwise expressly provided in this
2153 act, this act shall take effect July 1, 2017.

2154
2155 ===== T I T L E A M E N D M E N T =====

2156 And the title is amended as follows:

2157 Delete everything before the enacting clause



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2158 and insert:

2159 A bill to be entitled
2160 An act relating to child welfare and mental health
2161 services for children; amending s. 39.01, F.S.;
2162 defining the term "legal father"; redefining the terms
2163 "parent" and "permanency goal"; amending s. 39.013,
2164 F.S.; extending court jurisdiction to 22 years of age
2165 for young adults with disabilities in foster care;
2166 amending s. 39.202, F.S.; providing that confidential
2167 records held by the Department of Children and
2168 Families concerning reports of child abandonment,
2169 abuse, or neglect, including reports made to the
2170 central abuse hotline and all records generated as a
2171 result of such reports, may be accessed for employment
2172 screening of residential group home caregivers;
2173 changing the time period for the release of records to
2174 certain individuals; amending s. 39.301, F.S.;
2175 requiring a safety plan to be issued for a perpetrator
2176 of domestic violence only if the perpetrator can be
2177 located; specifying what constitutes reasonable
2178 efforts; requiring that a child new to a family under
2179 investigation be added to the investigation and
2180 assessed for safety; amending s. 39.302, F.S.;
2181 conforming a cross-reference; providing that central
2182 abuse hotline information may be used for certain
2183 employment screenings; amending s. 39.402, F.S.;
2184 requiring a court to inquire as to the identity and
2185 location of a child's legal father at the shelter
2186 hearing; specifying the types of information that fall



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2187 within the scope of such inquiry; amending s. 39.503,
2188 F.S.; requiring a court to conduct under oath the
2189 inquiry to determine the identity or location of an
2190 unknown parent; requiring a court to seek additional
2191 information relating to a father's identity in such
2192 inquiry; requiring the diligent search to determine a
2193 parent's or prospective parent's location to include a
2194 search of the Florida Putative Father Registry;
2195 amending s. 39.504, F.S.; requiring that, if there is
2196 a pending dependency proceeding regarding a child for
2197 whom an injunction is sought to protect, the same
2198 judge must hear both proceedings; providing that the
2199 court may enter an injunction based on specified
2200 evidence; amending s. 39.507, F.S.; requiring a court
2201 to consider maltreatment allegations against a parent
2202 in an evidentiary hearing relating to a dependency
2203 petition; amending s. 39.5085, F.S.; revising
2204 eligibility guidelines for the Relative Caregiver
2205 Program with respect to relative and nonrelative
2206 caregivers; prohibiting a relative or nonrelative
2207 caregiver from receiving payments under the Relative
2208 Caregiver Program under certain circumstances;
2209 amending s. 39.521, F.S.; providing new time
2210 guidelines for filing with the court and providing
2211 copies of case plans and family functioning
2212 assessments; providing for assessment and program
2213 compliance for a parent who caused harm to a child by
2214 exposing the child to a controlled substance;
2215 providing in-home safety plan requirements; providing



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2216 requirements for family functioning assessments;
2217 providing supervision requirements after
2218 reunification; amending s. 39.522, F.S.; providing
2219 conditions for returning a child to the home with an
2220 in-home safety plan; amending s. 39.523, F.S.;
2221 providing legislative findings and intent; requiring
2222 children placed in out-of-home care to be assessed to
2223 determine the least restrictive placement that meets
2224 the needs of the child; requiring specified entities
2225 to document the placement assessments and decisions;
2226 requiring a court to review and approve placements;
2227 requiring the department to post specified information
2228 relating to assessment and placement on its website
2229 and update that information annually on specified
2230 dates; authorizing the department to adopt rules;
2231 amending s. 39.6011, F.S.; providing requirements for
2232 confidential information in a case planning
2233 conference; providing restrictions; amending s.
2234 39.6012, F.S.; requiring that, if a parent caused harm
2235 to a child by exposing the child to a controlled
2236 substance, the case plan include as a required task
2237 that the parent submit to a certain assessment and
2238 comply with any treatment and services identified as
2239 necessary; amending s. 39.6035, F.S.; requiring a
2240 transition plan to be approved before a child reaches
2241 18 years of age; amending s. 39.621, F.S.; specifying
2242 the circumstances under which the permanency goal of
2243 maintaining and strengthening the placement with a
2244 parent may be used; amending s. 39.6221, F.S.;



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2245 providing that relocation requirements for parents in
2246 dissolution proceedings do not apply to certain
2247 permanent guardianships; amending s. 39.701, F.S.;
2248 providing safety assessment requirements for children
2249 coming into a home under court jurisdiction; amending
2250 s. 39.801, F.S.; providing an exception to the notice
2251 requirement regarding the advisory hearing for a
2252 petition to terminate parental rights; amending s.
2253 39.803, F.S.; requiring a court to conduct under oath
2254 the inquiry to determine the identity or location of
2255 an unknown parent after the filing of a termination of
2256 parental rights petition; requiring a court to seek
2257 additional information relating to a legal father's
2258 identity in such inquiry; revising minimum
2259 requirements for the diligent search to determine the
2260 location of a parent or prospective parent;
2261 authorizing a court to schedule an adjudicatory
2262 hearing regarding a petition for termination of
2263 parental rights if a diligent search fails to identify
2264 and locate a prospective parent; amending s. 39.806,
2265 F.S.; revising circumstances under which grounds for
2266 the termination of parental rights may be established;
2267 amending s. 39.811, F.S.; revising circumstances under
2268 which the rights of one parent may be terminated
2269 without terminating the rights of the other parent;
2270 amending s. 125.901, F.S.; creating an exception to
2271 the requirement that, for an independent special
2272 district in existence on a certain date and serving a
2273 population of a specified size, the governing body of



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2274 the county submit the question of the district's
2275 retention or dissolution to the electorate in a
2276 specified general election; amending s. 394.463, F.S.;
2277 requiring a facility to initiate an involuntary
2278 examination of a minor within 12 hours after his or
2279 her arrival; creating a task force within the
2280 Department of Children and Families; providing the
2281 purpose and membership of the task force; requiring
2282 the task force to analyze certain data and make
2283 recommendations in a report to the Governor and the
2284 Legislature by a specified date; providing for
2285 expiration of the task force; amending s. 395.3025,
2286 F.S.; revising requirements for access to patient
2287 records; amending s. 402.40, F.S.; defining the term
2288 "child welfare trainer"; providing rulemaking
2289 authority; creating s. 409.16742, F.S.; providing
2290 legislative findings and intent; establishing a shared
2291 family care residential services pilot program for
2292 substance-exposed newborns; amending s. 409.992, F.S.;
2293 limiting compensation from state-appropriated funds
2294 for administrative employees of community-based care
2295 agencies; amending s. 409.996, F.S.; requiring the
2296 Department of Children and Families to develop, in
2297 collaboration with specified entities, a statewide
2298 accountability system for residential group care
2299 providers; specifying requirements for the
2300 accountability system; requiring the department and
2301 the lead agencies to use the collected information to
2302 promote enhanced quality in residential group care;



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2303 requiring the department to submit an annual report,
2304 beginning on a specified date, to the Governor and the
2305 Legislature; specifying report requirements; requiring
2306 implementation of the accountability system by a
2307 certain date; providing construction; authorizing the
2308 department to adopt rules; requiring the department,
2309 in collaboration with the Florida Institute for Child
2310 Welfare, to convene a workgroup on foster home
2311 quality; specifying requirements for the workgroup;
2312 providing for membership of the workgroup; requiring
2313 the Florida Institute for Child Welfare to provide the
2314 workgroup with specified research; requiring the
2315 workgroup to submit a report by a specified date to
2316 the Governor and the Legislature; specifying
2317 requirements for the report; amending s. 456.057,
2318 F.S.; revising requirements for access to patient
2319 records; repealing s. 409.141, F.S., relating to
2320 equitable reimbursement methodology; repealing s.
2321 409.1677, F.S., relating to model comprehensive
2322 residential services programs; amending s. 743.067,
2323 F.S.; revising the term "unaccompanied homeless
2324 youth"; requiring the State Office on Homelessness
2325 within the Department of Children and Families to
2326 develop a standardized form to be used in the
2327 certification of unaccompanied homeless youth;
2328 providing information that must be included in the
2329 certification form; authorizing a certified
2330 unaccompanied homeless youth to apply to the
2331 Department of Highway Safety and Motor Vehicles for an



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2332 identification card; conforming terminology; amending
2333 s. 1009.25, F.S.; revising the exemption from the
2334 payment of tuition and fees for homeless students;
2335 amending ss. 39.524, 394.495, 409.1678, and 960.065,
2336 F.S.; conforming cross-references; amending ss.
2337 409.1679 and 1002.3305, F.S.; conforming provisions to
2338 changes made by the act; reenacting s. 483.181(2),
2339 F.S., relating to acceptance, collection,
2340 identification, and examination of specimens, to
2341 incorporate the amendment made to s. 456.057, F.S., in
2342 a reference thereto; providing an appropriation;
2343 providing effective dates.