



LEGISLATIVE ACTION

Senate	.	House
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Floor: AE/2R	.	Floor: SENA1/C
05/03/2017 02:08 PM	.	05/05/2017 01:35 PM
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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 subsection (9) of section 395.1055,
Florida Statutes, is redesignated as subsection (10), and a new
subsection (9) is added to that section, to read:

395.1055 Rules and enforcement.—

(9) The agency shall establish a technical advisory panel
to develop procedures and standards for measuring outcomes of
pediatric cardiac catheterization programs and pediatric open-



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12 heart surgery programs.

13 (a) The panel must be composed of 3 at-large members,
14 including 1 cardiologist who is board certified in caring for
15 adults with congenital heart disease and 2 board-certified
16 pediatric cardiologists, neither of whom may be employed by any
17 of the hospitals specified in subparagraphs 1.-10. or their
18 affiliates, each of whom is appointed by the Secretary of Health
19 Care Administration, and 10 members, each of whom is a pediatric
20 cardiologist or a pediatric cardiovascular surgeon, each
21 appointed by the chief executive officer of one of the following
22 hospitals:

- 23 1. Johns Hopkins All Children's Hospital in St. Petersburg.
24 2. Arnold Palmer Hospital for Children in Orlando.
25 3. Joe DiMaggio Children's Hospital in Hollywood.
26 4. Nicklaus Children's Hospital in Miami.
27 5. St. Joseph's Children's Hospital in Tampa.
28 6. University of Florida Health Shands Hospital in
29 Gainesville.

- 30 7. University of Miami Holtz Children's Hospital in Miami.
31 8. Wolfson Children's Hospital in Jacksonville.
32 9. Florida Hospital for Children in Orlando.
33 10. Nemours Children's Hospital in Orlando.

34 (b) Based on the recommendations of the panel, the agency
35 shall develop and adopt rules for pediatric cardiac
36 catheterization programs and pediatric open-heart surgery
37 programs which include at least the following:

- 38 1. A risk adjustment procedure that accounts for the
39 variations in severity and case mix found in hospitals in this
40 state;



41 2. Outcome standards specifying expected levels of
42 performance in pediatric cardiac programs. Such standards may
43 include, but are not limited to, in-hospital mortality,
44 infection rates, nonfatal myocardial infarctions, length of
45 postoperative bleeds, and returns to surgery; and

46 3. Specific steps to be taken by the agency and licensed
47 facilities that do not meet the outcome standards within a
48 specified time, including time required for detailed case
49 reviews and development and implementation of corrective action
50 plans.

51 (c) This subsection is repealed on July 1, 2022.

52 Section 2. Present subsections (35) through (80) of section
53 39.01, Florida Statutes, are redesignated as subsections (36)
54 through (81), respectively, a new subsection (35) is added to
55 that section, and subsections (10) and (32) and present
56 subsections (49) and (52) of that section are amended, to read:

57 39.01 Definitions.—When used in this chapter, unless the
58 context otherwise requires:

59 (10) "Caregiver" means the parent, legal custodian,
60 permanent guardian, adult household member, or other person
61 responsible for a child's welfare as defined in subsection (48)
62 ~~(47)~~.

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



70 (35) "Legal father" means a man married to the mother at
71 the time of conception or birth of their child, unless paternity
72 has been otherwise determined by a court of competent
73 jurisdiction. If the mother was not married to a man at the time
74 of birth or conception of the child, the term means a man named
75 on the birth certificate of the child pursuant to s. 382.013(2),
76 a man determined by a court order to be the father of the child,
77 or a man determined to be the father of the child by the
78 Department of Revenue as provided in s. 409.256.

79 (50)-(49) "Parent" means a woman who gives birth to a child
80 and a man whose consent to the adoption of the child would be
81 required under s. 63.062(1). The term "parent" also means legal
82 father as defined in this section. If a child has been legally
83 adopted, the term "parent" means the adoptive mother or father
84 of the child. For purposes of this chapter only, when the phrase
85 "parent or legal custodian" is used, it refers to rights or
86 responsibilities of the parent and, only if there is no living
87 parent with intact parental rights, to the rights or
88 responsibilities of the legal custodian who has assumed the role
89 of the parent. The term does not include an individual whose
90 parental relationship to the child has been legally terminated,
91 or an alleged or prospective parent, unless:

92 (a) The parental status falls within the terms of s.
93 39.503(1) or s. 63.062(1); or

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

96 (53)-(52) "Permanency goal" means the living arrangement
97 identified for the child to return to or identified as the
98 permanent living arrangement of the child. ~~Permanency goals~~



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99 ~~applicable under this chapter, listed in order of preference,~~
100 ~~are:~~

101 ~~(a) Reunification;~~

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

104 ~~(c) Permanent guardianship of a dependent child under s.~~
105 ~~39.6221;~~

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

108 ~~(e) Placement in another planned permanent living~~
109 ~~arrangement under s. 39.6241.~~

110

111 The permanency goal is also the case plan goal. If concurrent
112 case planning is being used, reunification may be pursued at the
113 same time that another permanency goal is pursued.

114 Section 3. Subsection (2) of section 39.013, Florida
115 Statutes, is amended to read:

116 39.013 Procedures and jurisdiction; right to counsel.—

117 (2) The circuit court has exclusive original jurisdiction
118 of all proceedings under this chapter, of a child voluntarily
119 placed with a licensed child-caring agency, a licensed child-
120 placing agency, or the department, and of the adoption of
121 children whose parental rights have been terminated under this
122 chapter. Jurisdiction attaches when the initial shelter
123 petition, dependency petition, or termination of parental rights
124 petition, or a petition for an injunction to prevent child abuse
125 issued pursuant to s. 39.504, is filed or when a child is taken
126 into the custody of the department. The circuit court may assume
127 jurisdiction over any such proceeding regardless of whether the



128 child was in the physical custody of both parents, was in the
129 sole legal or physical custody of only one parent, caregiver, or
130 some other person, or was not in the physical or legal custody
131 of any person when the event or condition occurred that brought
132 the child to the attention of the court. When the court obtains
133 jurisdiction of any child who has been found to be dependent,
134 the court shall retain jurisdiction, unless relinquished by its
135 order, until the child reaches 21 years of age, or 22 years of
136 age if the child has a disability, with the following

137 exceptions:

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

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

143 (c) If a young adult petitions the court at any time before
144 his or her 19th birthday requesting the court's continued
145 jurisdiction, the juvenile court may retain jurisdiction under
146 this chapter for a period not to exceed 1 year following the
147 young adult's 18th birthday for the purpose of determining
148 whether appropriate services that were required to be provided
149 to the young adult before reaching 18 years of age have been
150 provided.

151 (d) If a petition for special immigrant juvenile status and
152 an application for adjustment of status have been filed on
153 behalf of a foster child and the petition and application have
154 not been granted by the time the child reaches 18 years of age,
155 the court may retain jurisdiction over the dependency case
156 solely for the purpose of allowing the continued consideration



157 of the petition and application by federal authorities. Review
158 hearings for the child shall be set solely for the purpose of
159 determining the status of the petition and application. The
160 court's jurisdiction terminates upon the final decision of the
161 federal authorities. Retention of jurisdiction in this instance
162 does not affect the services available to a young adult under s.
163 409.1451. The court may not retain jurisdiction of the case
164 after the immigrant child's 22nd birthday.

165 Section 4. Paragraphs (a), (d), and (e) of subsection (2)
166 of section 39.202, Florida Statutes, are amended to read:

167 39.202 Confidentiality of reports and records in cases of
168 child abuse or neglect.—

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

173 (a) Employees, authorized agents, or contract providers of
174 the department, the Department of Health, the Agency for Persons
175 with Disabilities, the Office of Early Learning, or county
176 agencies responsible for carrying out:

- 177 1. Child or adult protective investigations;
- 178 2. Ongoing child or adult protective services;
- 179 3. Early intervention and prevention services;
- 180 4. Healthy Start services;
- 181 5. Licensure or approval of adoptive homes, foster homes,
182 child care facilities, facilities licensed under chapter 393,
183 family day care homes, providers who receive school readiness
184 funding under part VI of chapter 1002, or other homes used to
185 provide for the care and welfare of children; ~~or~~



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186 6. Employment screening for caregivers in residential group
187 homes; or

188 ~~7.6.~~ Services for victims of domestic violence when
189 provided by certified domestic violence centers working at the
190 department's request as case consultants or with shared clients.

191
192 Also, employees or agents of the Department of Juvenile Justice
193 responsible for the provision of services to children, pursuant
194 to chapters 984 and 985.

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

203 (e) Any person alleged in the report as having caused the
204 abuse, abandonment, or neglect of a child. This access shall be
205 made available no later than 60 ~~30~~ days after the department
206 receives the initial report of abuse, abandonment, or neglect
207 and, when the alleged perpetrator is not a parent, shall be
208 limited to information involving the protective investigation
209 only and shall not include any information relating to
210 subsequent dependency proceedings. However, any information
211 otherwise made confidential or exempt by law shall not be
212 released pursuant to this paragraph.

213 Section 5. Paragraph (a) of subsection (9) of section
214 39.301, Florida Statutes, is amended, and subsection (23) is



215 added to that section, to read:

216 39.301 Initiation of protective investigations.—

217 (9) (a) For each report received from the central abuse
218 hotline and accepted for investigation, the department or the
219 sheriff providing child protective investigative services under
220 s. 39.3065, shall perform the following child protective
221 investigation activities to determine child safety:

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

236 2. Conduct face-to-face interviews with the child; other
237 siblings, if any; and the parents, legal custodians, or
238 caregivers.

239 3. Assess the child's residence, including a determination
240 of the composition of the family and household, including the
241 name, address, date of birth, social security number, sex, and
242 race of each child named in the report; any siblings or other
243 children in the same household or in the care of the same



244 adults; the parents, legal custodians, or caregivers; and any
245 other adults in the same household.

246 4. Determine whether there is any indication that any child
247 in the family or household has been abused, abandoned, or
248 neglected; the nature and extent of present or prior injuries,
249 abuse, or neglect, and any evidence thereof; and a determination
250 as to the person or persons apparently responsible for the
251 abuse, abandonment, or neglect, including the name, address,
252 date of birth, social security number, sex, and race of each
253 such person.

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

268 6. Document the present and impending dangers to each child
269 based on the identification of inadequate protective capacity
270 through utilization of a standardized safety assessment
271 instrument. If present or impending danger is identified, the
272 child protective investigator must implement a safety plan or



273 take the child into custody. If present danger is identified and
274 the child is not removed, the child protective investigator
275 shall create and implement a safety plan before leaving the home
276 or the location where there is present danger. If impending
277 danger is identified, the child protective investigator shall
278 create and implement a safety plan as soon as necessary to
279 protect the safety of the child. The child protective
280 investigator may modify the safety plan if he or she identifies
281 additional impending danger.

282 a. If the child protective investigator implements a safety
283 plan, the plan must be specific, sufficient, feasible, and
284 sustainable in response to the realities of the present or
285 impending danger. A safety plan may be an in-home plan or an
286 out-of-home plan, or a combination of both. A safety plan may
287 include tasks or responsibilities for a parent, caregiver, or
288 legal custodian. However, a safety plan may not rely on
289 promissory commitments by the parent, caregiver, or legal
290 custodian who is currently not able to protect the child or on
291 services that are not available or will not result in the safety
292 of the child. A safety plan may not be implemented if for any
293 reason the parents, guardian, or legal custodian lacks the
294 capacity or ability to comply with the plan. If the department
295 is not able to develop a plan that is specific, sufficient,
296 feasible, and sustainable, the department shall file a shelter
297 petition. A child protective investigator shall implement
298 separate safety plans for the perpetrator of domestic violence,
299 if the investigator, using reasonable efforts, can locate the
300 perpetrator to implement a safety plan, and for the parent who
301 is a victim of domestic violence as defined in s. 741.28.



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

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

- 329 (I) The parent or legal custodian is of young age;
330 (II) The parent or legal custodian, or an adult currently



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331 living in or frequently visiting the home, has a history of
332 substance abuse, mental illness, or domestic violence;

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

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

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

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

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

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

352 Section 6. Subsections (1) and (7) of section 39.302,
353 Florida Statutes, are amended to read:

354 39.302 Protective investigations of institutional child
355 abuse, abandonment, or neglect.-

356 (1) The department shall conduct a child protective
357 investigation of each report of institutional child abuse,
358 abandonment, or neglect. Upon receipt of a report that alleges
359 that an employee or agent of the department, or any other entity



360 or person covered by s. 39.01(32) or (48) ~~(47)~~, acting in an
361 official capacity, has committed an act of child abuse,
362 abandonment, or neglect, the department shall initiate a child
363 protective investigation within the timeframe established under
364 s. 39.201(5) and notify the appropriate state attorney, law
365 enforcement agency, and licensing agency, which shall
366 immediately conduct a joint investigation, unless independent
367 investigations are more feasible. When conducting investigations
368 or having face-to-face interviews with the child, investigation
369 visits shall be unannounced unless it is determined by the
370 department or its agent that unannounced visits threaten the
371 safety of the child. If a facility is exempt from licensing, the
372 department shall inform the owner or operator of the facility of
373 the report. Each agency conducting a joint investigation is
374 entitled to full access to the information gathered by the
375 department in the course of the investigation. A protective
376 investigation must include an interview with the child's parent
377 or legal guardian. The department shall make a full written
378 report to the state attorney within 3 working days after making
379 the oral report. A criminal investigation shall be coordinated,
380 whenever possible, with the child protective investigation of
381 the department. Any interested person who has information
382 regarding the offenses described in this subsection may forward
383 a statement to the state attorney as to whether prosecution is
384 warranted and appropriate. Within 15 days after the completion
385 of the investigation, the state attorney shall report the
386 findings to the department and shall include in the report a
387 determination of whether or not prosecution is justified and
388 appropriate in view of the circumstances of the specific case.



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

398 (a) However, if such a person is a licensee of the
399 department and is named in any capacity in three or more reports
400 within a 5-year period, the department may review those reports
401 and determine whether the information contained in the reports
402 is relevant for purposes of determining whether the person's
403 license should be renewed or revoked. If the information is
404 relevant to the decision to renew or revoke the license, the
405 department may rely on the information contained in the report
406 in making that decision.

407 (b) Likewise, if a person is employed as a caregiver in a
408 residential group home licensed pursuant to s. 409.175 and is
409 named in any capacity in three or more reports within a 5-year
410 period, the department may review all reports for the purposes
411 of the employment screening required pursuant to s.
412 409.145(2)(e).

413 Section 7. Paragraph (c) of subsection (8) of section
414 39.402, Florida Statutes, is amended to read:

415 39.402 Placement in a shelter.—

416 (8)

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



- 418 1. Appoint a guardian ad litem to represent the best
419 interest of the child, unless the court finds that such
420 representation is unnecessary;
- 421 2. Inform the parents or legal custodians of their right to
422 counsel to represent them at the shelter hearing and at each
423 subsequent hearing or proceeding, and the right of the parents
424 to appointed counsel, pursuant to the procedures set forth in s.
425 39.013; ~~and~~
- 426 3. Give the parents or legal custodians an opportunity to
427 be heard and to present evidence; and
- 428 4. Inquire of those present at the shelter hearing as to
429 the identity and location of the legal father. In determining
430 who the legal father of the child may be, the court shall
431 inquire under oath of those present at the shelter hearing
432 whether they have any of the following information:
- 433 a. Whether the mother of the child was married at the
434 probable time of conception of the child or at the time of birth
435 of the child.
- 436 b. Whether the mother was cohabiting with a male at the
437 probable time of conception of the child.
- 438 c. Whether the mother has received payments or promises of
439 support with respect to the child or because of her pregnancy
440 from a man who claims to be the father.
- 441 d. Whether the mother has named any man as the father on
442 the birth certificate of the child or in connection with
443 applying for or receiving public assistance.
- 444 e. Whether any man has acknowledged or claimed paternity of
445 the child in a jurisdiction in which the mother resided at the
446 time of or since conception of the child or in which the child



447 has resided or resides.

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

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

452 h. Whether a man has been determined to be the father of
453 the child by the Department of Revenue as provided in s.
454 409.256.

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

459 39.503 Identity or location of parent unknown; special
460 procedures.—

461 (1) If the identity or location of a parent is unknown and
462 a petition for dependency or shelter is filed, the court shall
463 conduct under oath the following inquiry of the parent or legal
464 custodian who is available, or, if no parent or legal custodian
465 is available, of any relative or custodian of the child who is
466 present at the hearing and likely to have any of the following
467 information:

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

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

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



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

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

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

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

487 (h) Whether a man has been determined to be the father of
488 the child by the Department of Revenue as provided in s.
489 409.256.

490 (6) The diligent search required by subsection (5) must
491 include, at a minimum, inquiries of all relatives of the parent
492 or prospective parent made known to the petitioner, inquiries of
493 all offices of program areas of the department likely to have
494 information about the parent or prospective parent, inquiries of
495 other state and federal agencies likely to have information
496 about the parent or prospective parent, inquiries of appropriate
497 utility and postal providers, a thorough search of at least one
498 electronic database specifically designed for locating persons,
499 a search of the Florida Putative Father Registry, and inquiries
500 of appropriate law enforcement agencies. Pursuant to s. 453 of
501 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,
502 as the state agency administering Titles IV-B and IV-E of the
503 act, shall be provided access to the federal and state parent
504 locator service for diligent search activities.



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

509 (8) If the inquiry and diligent search identifies a
510 prospective parent, that person must be given the opportunity to
511 become a party to the proceedings by completing a sworn
512 affidavit of parenthood and filing it with the court or the
513 department. A prospective parent who files a sworn affidavit of
514 parenthood while the child is a dependent child but no later
515 than at the time of or before ~~prior to~~ the adjudicatory hearing
516 in any termination of parental rights proceeding for the child
517 shall be considered a parent for all purposes under this section
518 unless the other parent contests the determination of
519 parenthood. If the known parent contests the recognition of the
520 prospective parent as a parent, the prospective parent may ~~shall~~
521 not be recognized as a parent until proceedings to determine
522 maternity or paternity under chapter 742 have been concluded.
523 However, the prospective parent shall continue to receive notice
524 of hearings as a participant pending results of the chapter 742
525 proceedings to determine maternity or paternity.

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

529 Section 9. Section 39.504, Florida Statutes, is amended to
530 read:

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

533 (1) At any time after a protective investigation has been



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

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

560 (3) Before the hearing, the alleged offender must be
561 personally served with a copy of the petition, all other
562 pleadings related to the petition, a notice of hearing, and, if



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

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

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

- 587 1. Refrain from further abuse or acts of domestic violence.
- 588 2. Participate in a specialized treatment program.
- 589 3. Limit contact or communication with the child victim,
590 other children in the home, or any other child.
- 591 4. Refrain from contacting the child at home, school, work,



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592 or wherever the child may be found.

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

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

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

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

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

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

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

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

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

617 (5) Service of process on the respondent shall be carried
618 out pursuant to s. 741.30. The department shall deliver a copy
619 of any injunction issued pursuant to this section to the
620 protected party or to a parent, caregiver, or individual acting



621 in the place of a parent who is not the respondent. Law
622 enforcement officers may exercise their arrest powers as
623 provided in s. 901.15(6) to enforce the terms of the injunction.

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

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

631 Section 10. Paragraph (b) of subsection (7) of section
632 39.507, Florida Statutes, is amended to read:

633 39.507 Adjudicatory hearings; orders of adjudication.-

634 (7)

635 (b) However, the court must determine whether each parent
636 or legal custodian identified in the case abused, abandoned, or
637 neglected the child or engaged in conduct that placed the child
638 at substantial risk of imminent abuse, abandonment, or neglect
639 in a subsequent evidentiary hearing. If a second parent is
640 served and brought into the proceeding after the adjudication
641 and if an the evidentiary hearing for the second parent is
642 conducted subsequent to the adjudication of the child, the court
643 shall supplement the adjudicatory order, disposition order, and
644 the case plan, as necessary. The petitioner is not required to
645 prove actual harm or actual abuse by the second parent in order
646 for the court to make supplemental findings regarding the
647 conduct of the second parent. The court is not required to
648 conduct an evidentiary hearing for the second parent in order to
649 supplement the adjudicatory order, the disposition order, and



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650 the case plan if the requirements of s. 39.506(3) or (5) are
651 satisfied. With the exception of proceedings pursuant to s.
652 39.811, the child's dependency status may not be retried or
653 readjudicated.

654 Section 11. Paragraph (a) of subsection (2) of section
655 39.5085, Florida Statutes, is amended to read:

656 39.5085 Relative Caregiver Program.—

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

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

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

676 3. Nonrelatives who are willing to assume custody and care
677 of a dependent child in the role of substitute parent as a
678 result of a court's determination of child abuse, neglect, or



679 abandonment and subsequent placement with the nonrelative
680 caregiver under this chapter. The court must find that a
681 proposed placement under this subparagraph is in the best
682 interest of the child.

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

695
696 The placement may be court-ordered temporary legal custody to
697 the relative or nonrelative under protective supervision of the
698 department pursuant to s. 39.521(1)(c)3. ~~s. 39.521(1)(b)3.~~, or
699 court-ordered placement in the home of a relative or nonrelative
700 as a permanency option under s. 39.6221 or s. 39.6231 or under
701 former s. 39.622 if the placement was made before July 1, 2006.
702 The Relative Caregiver Program shall offer financial assistance
703 to caregivers who would be unable to serve in that capacity
704 without the caregiver payment because of financial burden, thus
705 exposing the child to the trauma of placement in a shelter or in
706 foster care.

707 Section 12. Subsections (1), (2), (6), and (7) of section



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708 39.521, Florida Statutes, are amended to read:

709 39.521 Disposition hearings; powers of disposition.—

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

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

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

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



737 ~~must set a hearing~~ within 30 days after the disposition hearing
738 to review and approve the case plan.

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

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

747 1. Require the parent and, when appropriate, the legal
748 custodian and the child to participate in treatment and services
749 identified as necessary. The court may require the person who
750 has custody or who is requesting custody of the child to submit
751 to a mental health or substance abuse disorder assessment or
752 evaluation. The order may be made only upon good cause shown and
753 pursuant to notice and procedural requirements provided under
754 the Florida Rules of Juvenile Procedure. The mental health
755 assessment or evaluation must be administered by a qualified
756 professional as defined in s. 39.01, and the substance abuse
757 assessment or evaluation must be administered by a qualified
758 professional as defined in s. 397.311. The court may also
759 require such person to participate in and comply with treatment
760 and services identified as necessary, including, when
761 appropriate and available, participation in and compliance with
762 a mental health court program established under chapter 394 or a
763 treatment-based drug court program established under s. 397.334.
764 Adjudication of a child as dependent based upon evidence of harm
765 as defined in s. 39.01(30)(g) demonstrates good cause, and the



766 court shall require the parent whose actions caused the harm to
767 submit to a substance abuse disorder assessment or evaluation
768 and to participate and comply with treatment and services
769 identified in the assessment or evaluation as being necessary.

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

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

786 3. Require placement of the child either under the
787 protective supervision of an authorized agent of the department
788 in the home of one or both of the child's parents or in the home
789 of a relative of the child or another adult approved by the
790 court, or in the custody of the department. Protective
791 supervision continues until the court terminates it or until the
792 child reaches the age of 18, whichever date is first. Protective
793 supervision shall be terminated by the court whenever the court
794 determines that permanency has been achieved for the child,



795 whether with a parent, another relative, or a legal custodian,
796 and that protective supervision is no longer needed. The
797 termination of supervision may be with or without retaining
798 jurisdiction, at the court's discretion, and shall in either
799 case be considered a permanency option for the child. The order
800 terminating supervision by the department must set forth the
801 powers of the custodian of the child and include the powers
802 ordinarily granted to a guardian of the person of a minor unless
803 otherwise specified. Upon the court's termination of supervision
804 by the department, further judicial reviews are not required if
805 permanency has been established for the child.

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

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

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



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

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

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

852 b. If no suitable relative is found and the child is placed



853 with the department or a legal custodian or other adult approved
854 by the court, both the department and the court shall consider
855 transferring temporary legal custody to an adult relative
856 approved by the court at a later date, but neither the
857 department nor the court is obligated to so place the child if
858 it is in the child's best interest to remain in the current
859 placement.

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

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

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

880 (g)~~(f)~~ If the court places the child in an out-of-home
881 placement, the disposition order must include a written



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

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

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

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

901 b. If an in-home safety plan was ~~prevention or~~
902 ~~reunification efforts were~~ indicated, include a brief written
903 description of what appropriate and available safety management
904 services ~~prevention and reunification efforts~~ were initiated
905 ~~made.~~

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

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



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

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

918 c. The child cannot safely remain at home, because there
919 are no safety management ~~preventive~~ services that can ensure the
920 health and safety of the child or, even with appropriate and
921 available services being provided, the health and safety of the
922 child cannot be ensured; or

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

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

932 5. If the court finds that the provision of safety
933 management services by ~~prevention or reunification effort~~ of the
934 department would not have permitted the child to remain safely
935 at home, the court may commit the child to the temporary legal
936 custody of the department or take any other action authorized by
937 this chapter.

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



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940 information:

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

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

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

946 (d) An assessment of the parents' general parenting
947 practices and the parents' disciplinary approach and behavior
948 management methods.

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

951 (f) An assessment of child functioning.

952 (g) A safety analysis describing the capacity for an in-
953 home safety plan to control the conditions that result in the
954 child being unsafe and the specific actions necessary to keep
955 the child safe.

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

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

964 ~~(b) The length of time the child has lived in a stable,~~
965 ~~satisfactory environment and the desirability of maintaining~~
966 ~~continuity.~~

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

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



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

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

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

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

979 ~~(i) A description of the benefits of returning the child~~
980 ~~home.~~

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

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

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

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

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



998 explanation of the following:

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

1000 2. If the services were provided, the outcome of the
1001 services.

1002 3. If the services were not provided, why they were not
1003 provided.

1004 4. If the services are currently being provided and if they
1005 need to be continued.

1006 ~~(o) A listing of other prevention and reunification~~
1007 ~~services that were available but determined to be inappropriate~~
1008 ~~and why.~~

1009 ~~(p) Whether dependency mediation was provided.~~

1010 (n) ~~(q)~~ If the child has been removed from the home and
1011 there is a parent who may be considered for custody pursuant to
1012 this section, a recommendation as to whether placement of the
1013 child with that parent would be detrimental to the child.

1014 (o) ~~(r)~~ If the child has been removed from the home and will
1015 be remaining with a relative, parent, or other adult approved by
1016 the court, a home study report concerning the proposed placement
1017 shall be provided to the court ~~included in the predisposition~~
1018 ~~report~~. Before recommending to the court any out-of-home
1019 placement for a child other than placement in a licensed shelter
1020 or foster home, the department shall conduct a study of the home
1021 of the proposed legal custodians, which must include, at a
1022 minimum:

1023 1. An interview with the proposed legal custodians to
1024 assess their ongoing commitment and ability to care for the
1025 child.

1026 2. Records checks through the State Automated Child Welfare



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1027 Information System (SACWIS), and local and statewide criminal
1028 and juvenile records checks through the Department of Law
1029 Enforcement, on all household members 12 years of age or older.
1030 In addition, the fingerprints of any household members who are
1031 18 years of age or older may be submitted to the Department of
1032 Law Enforcement for processing and forwarding to the Federal
1033 Bureau of Investigation for state and national criminal history
1034 information. The department has the discretion to request State
1035 Automated Child Welfare Information System (SACWIS) and local,
1036 statewide, and national criminal history checks and
1037 fingerprinting of any other visitor to the home who is made
1038 known to the department. Out-of-state criminal records checks
1039 must be initiated for any individual who has resided in a state
1040 other than Florida if that state's laws allow the release of
1041 these records. The out-of-state criminal records must be filed
1042 with the court within 5 days after receipt by the department or
1043 its agent.

1044 3. An assessment of the physical environment of the home.

1045 4. A determination of the financial security of the
1046 proposed legal custodians.

1047 5. A determination of suitable child care arrangements if
1048 the proposed legal custodians are employed outside of the home.

1049 6. Documentation of counseling and information provided to
1050 the proposed legal custodians regarding the dependency process
1051 and possible outcomes.

1052 7. Documentation that information regarding support
1053 services available in the community has been provided to the
1054 proposed legal custodians.

1055 8. The reasonable preference of the child, if the court



1056 deems the child to be of sufficient intelligence, understanding,
1057 and experience to express a preference.

1058
1059 The department may not place the child or continue the placement
1060 of the child in a home under shelter or postdisposition
1061 placement if the results of the home study are unfavorable,
1062 unless the court finds that this placement is in the child's
1063 best interest.

1064 (p) ~~(s)~~ If the child has been removed from the home, a
1065 determination of the amount of child support each parent will be
1066 required to pay pursuant to s. 61.30.

1067 ~~(t) If placement of the child with anyone other than the~~
1068 ~~child's parent is being considered, the predisposition study~~
1069 ~~shall include the designation of a specific length of time as to~~
1070 ~~when custody by the parent will be reconsidered.~~

1071
1072 Any other relevant and material evidence, including other
1073 written or oral reports, may be received by the court in its
1074 effort to determine the action to be taken with regard to the
1075 child and may be relied upon to the extent of its probative
1076 value, even though not competent in an adjudicatory hearing.
1077 Except as otherwise specifically provided, nothing in this
1078 section prohibits the publication of proceedings in a hearing.

1079 (6) With respect to a child who is the subject in
1080 proceedings under this chapter, the court may issue to the
1081 department an order to show cause why it should not return the
1082 child to the custody of the parents upon the presentation of
1083 evidence that the conditions for return of the child have been
1084 met ~~expiration of the case plan, or sooner if the parents have~~



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1085 ~~substantially complied with the case plan.~~

1086 (7) The court may enter an order ending its jurisdiction
1087 over a child when a child has been returned to the parents,
1088 provided the court shall not terminate its jurisdiction or the
1089 department's supervision over the child until 6 months after the
1090 child's return. The department shall supervise the placement of
1091 the child after reunification for at least 6 months with each
1092 parent or legal custodian from whom the child was removed. The
1093 court shall determine whether its jurisdiction should be
1094 continued or terminated in such a case based on a report of the
1095 department or agency or the child's guardian ad litem, and any
1096 other relevant factors; if its jurisdiction is to be terminated,
1097 the court shall enter an order to that effect.

1098 Section 13. Subsections (2) and (3) of section 39.522,
1099 Florida Statutes, are amended to read:

1100 39.522 Postdisposition change of custody.—The court may
1101 change the temporary legal custody or the conditions of
1102 protective supervision at a postdisposition hearing, without the
1103 necessity of another adjudicatory hearing.

1104 (2) In cases where the issue before the court is whether a
1105 child should be reunited with a parent, the court shall review
1106 the conditions for return and determine whether the
1107 circumstances that caused the out-of-home placement and issues
1108 subsequently identified have been remedied ~~parent has~~
1109 ~~substantially complied with the terms of the case plan to the~~
1110 ~~extent that the~~ return of the child to the home with an in-home
1111 safety plan prepared or approved by the department will not be
1112 detrimental to the child's safety, well-being, and physical,
1113 mental, and emotional health ~~of the child is not endangered by~~



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1114 ~~the return of the child to the home.~~

1115 (3) In cases where the issue before the court is whether a
1116 child who is placed in the custody of a parent should be
1117 reunited with the other parent upon a finding that the
1118 circumstances that caused the out-of-home placement and issues
1119 subsequently identified have been remedied to the extent that
1120 the return of the child to the home of the other parent with an
1121 in-home safety plan prepared or approved by the department will
1122 not be detrimental to the child ~~of substantial compliance with~~
1123 ~~the terms of the case plan,~~ the standard shall be that the
1124 safety, well-being, and physical, mental, and emotional health
1125 of the child would not be endangered by reunification and that
1126 reunification would be in the best interest of the child.

1127 Section 14. Effective January 1, 2018, section 39.523,
1128 Florida Statutes, is amended to read:

1129 (Substantial rewording of section. See
1130 s. 39.523, F.S., for present text.)

1131 39.523 Placement in out-of-home care.-

1132 (1) LEGISLATIVE FINDINGS AND INTENT.-

1133 (a) The Legislature finds that it is a basic tenet of child
1134 welfare practice and the law that a child be placed in the least
1135 restrictive, most family-like setting available in close
1136 proximity to the home of his or her parents which meets the
1137 needs of the child, and that a child be placed in a permanent
1138 home in a timely manner.

1139 (b) The Legislature also finds that there is an association
1140 between placements that do not meet the needs of the child and
1141 adverse outcomes for the child, that mismatching placements to
1142 children's needs has been identified as a factor that negatively



1143 impacts placement stability, and that identifying the right
1144 placement for each child requires effective assessment.

1145 (c) It is the intent of the Legislature that whenever a
1146 child is unable to safely remain at home with a parent, the most
1147 appropriate available out-of-home placement shall be chosen
1148 after an assessment of the child's needs and the availability of
1149 caregivers qualified to meet the child's needs.

1150 (2) ASSESSMENT AND PLACEMENT.—When any child is removed
1151 from a home and placed into out-of-home care, a comprehensive
1152 placement assessment process shall be completed to determine the
1153 level of care needed by the child and match the child with the
1154 most appropriate placement.

1155 (a) The community-based care lead agency or sub-contracted
1156 agency with the responsibility for assessment and placement must
1157 coordinate a multi-disciplinary team staffing with any available
1158 individual currently involved with the child including, but not
1159 limited to, a representative from the department and the case
1160 manager for the child; a therapist, attorney ad-litem, guardian
1161 ad litem, teachers, coaches, Children's Medical Services; and
1162 other community providers of services to the child or
1163 stakeholders as applicable. The team may also include clergy,
1164 relatives, and fictive kin if appropriate. Team participants
1165 must gather data and information on the child which is known at
1166 the time including, but not limited to:

- 1167 1. Mental, medical, behavioral health, and medication
1168 history;
1169 2. Community ties and school placement;
1170 3. Current placement decisions relating to any siblings;
1171 4. Alleged type of abuse or neglect including sexual abuse



1172 and trafficking history; and

1173 5. The child's age, maturity, strengths, hobbies or
1174 activities, and the child's preference for placement.

1175 (b) The comprehensive placement assessment process may also
1176 include the use of an assessment instrument or tool that is best
1177 suited for the individual child.

1178 (c) The most appropriate available out-of-home placement
1179 shall be chosen after consideration by all members of the multi-
1180 disciplinary team of all of the information and data gathered,
1181 including the results and recommendations of any evaluations
1182 conducted.

1183 (d) Placement decisions for each child in out-of-home
1184 placement shall be reviewed as often as necessary to ensure
1185 permanency for that child and address special issues related to
1186 this population of children.

1187 (e) The department, a sheriff's office acting under s.
1188 39.3065, a community-based care lead agency, or a case
1189 management organization must document all placement assessments
1190 and placement decisions in the Florida Safe Families Network.

1191 (f) If it is determined during the comprehensive placement
1192 assessment process that residential treatment as defined in s.
1193 39.407 would be suitable for the child, the procedures in that
1194 section must be followed.

1195 (3) JUDICIAL REVIEW.—At each judicial review, the court
1196 shall consider the results of the assessment, the placement
1197 decision made for the child, and services provided to the child
1198 as required under s. 39.701.

1199 (4) DATA COLLECTION.—The department shall collect the
1200 following information by community-based care lead agencies and



1201 post it on the Department of Children and Families' website. The
1202 information is to be updated on January 1 and July 1 of each
1203 year.

1204 (a) The number of children placed with relatives and
1205 nonrelatives, in family foster homes, and in residential group
1206 care.

1207 (b) An inventory of available services that are necessary
1208 to maintain children in the least restrictive setting that meets
1209 the needs of the child and a plan for filling any identified gap
1210 in those services.

1211 (c) The number of children who were placed based upon the
1212 assessment.

1213 (d) An inventory of existing placements for children by
1214 type and by community-based care lead agency.

1215 (e) The strategies being used by community-based care lead
1216 agencies to recruit, train, and support an adequate number of
1217 families to provide home-based family care.

1218 (5) RULEMAKING.—The department may adopt rules to implement
1219 this section.

1220 Section 15. Subsection (1) of section 39.6011, Florida
1221 Statutes, is amended to read:

1222 39.6011 Case plan development.—

1223 (1) The department shall prepare a draft of the case plan
1224 for each child receiving services under this chapter. A parent
1225 of a child may not be threatened or coerced with the loss of
1226 custody or parental rights for failing to admit in the case plan
1227 of abusing, neglecting, or abandoning a child. Participating in
1228 the development of a case plan is not an admission to any
1229 allegation of abuse, abandonment, or neglect, and it is not a



1230 consent to a finding of dependency or termination of parental
1231 rights. The case plan shall be developed subject to the
1232 following requirements:

1233 (a) The case plan must be developed in a face-to-face
1234 conference with the parent of the child, any court-appointed
1235 guardian ad litem, and, if appropriate, the child and the
1236 temporary custodian of the child.

1237 (b) Notwithstanding s. 39.202, the department may discuss
1238 confidential information during the case planning conference in
1239 the presence of individuals who participate in the conference.
1240 All individuals who participate in the conference shall maintain
1241 the confidentiality of all information shared during the case
1242 planning conference.

1243 (c) ~~(b)~~ The parent may receive assistance from any person or
1244 social service agency in preparing the case plan. The social
1245 service agency, the department, and the court, when applicable,
1246 shall inform the parent of the right to receive such assistance,
1247 including the right to assistance of counsel.

1248 (d) ~~(e)~~ If a parent is unwilling or unable to participate in
1249 developing a case plan, the department shall document that
1250 unwillingness or inability to participate. The documentation
1251 must be provided in writing to the parent when available for the
1252 court record, and the department shall prepare a case plan
1253 conforming as nearly as possible with the requirements set forth
1254 in this section. The unwillingness or inability of the parent to
1255 participate in developing a case plan does not preclude the
1256 filing of a petition for dependency or for termination of
1257 parental rights. The parent, if available, must be provided a
1258 copy of the case plan and be advised that he or she may, at any



1259 time before the filing of a petition for termination of parental
1260 rights, enter into a case plan and that he or she may request
1261 judicial review of any provision of the case plan with which he
1262 or she disagrees at any court hearing set for the child.

1263 Section 16. Subsection (1) of section 39.6012, Florida
1264 Statutes, is amended to read:

1265 39.6012 Case plan tasks; services.—

1266 (1) The services to be provided to the parent and the tasks
1267 that must be completed are subject to the following:

1268 (a) The services described in the case plan must be
1269 designed to improve the conditions in the home and aid in
1270 maintaining the child in the home, facilitate the child's safe
1271 return to the home, ensure proper care of the child, or
1272 facilitate the child's permanent placement. The services offered
1273 must be the least intrusive possible into the life of the parent
1274 and child, must focus on clearly defined objectives, and must
1275 provide the most efficient path to quick reunification or
1276 permanent placement given the circumstances of the case and the
1277 child's need for safe and proper care.

1278 (b) The case plan must describe each of the tasks with
1279 which the parent must comply and the services to be provided to
1280 the parent, specifically addressing the identified problem,
1281 including:

- 1282 1. The type of services or treatment.
- 1283 2. The date the department will provide each service or
1284 referral for the service if the service is being provided by the
1285 department or its agent.
- 1286 3. The date by which the parent must complete each task.
- 1287 4. The frequency of services or treatment provided. The



1288 frequency of the delivery of services or treatment provided
1289 shall be determined by the professionals providing the services
1290 or treatment on a case-by-case basis and adjusted according to
1291 their best professional judgment.

1292 5. The location of the delivery of the services.

1293 6. The staff of the department or service provider
1294 accountable for the services or treatment.

1295 7. A description of the measurable objectives, including
1296 the timeframes specified for achieving the objectives of the
1297 case plan and addressing the identified problem.

1298 (c) If there is evidence of harm as defined in s.
1299 39.01(30)(g), the case plan must include as a required task for
1300 the parent whose actions caused the harm that the parent submit
1301 to a substance abuse disorder assessment or evaluation and
1302 participate and comply with treatment and services identified in
1303 the assessment or evaluation as being necessary.

1304 Section 17. Subsection (4) of section 39.6035, Florida
1305 Statutes, is amended to read:

1306 39.6035 Transition plan.—

1307 ~~(4) If a child is planning to leave care upon reaching 18~~
1308 ~~years of age,~~ The transition plan must be approved by the court
1309 before the child's 18th birthday and must be attached to the
1310 case plan and updated before each judicial review ~~child leaves~~
1311 ~~care and the court terminates jurisdiction.~~

1312 Section 18. Present subsections (2) through (11) of section
1313 39.621, Florida Statutes, are redesignated as subsections (3)
1314 through (12), respectively, and a new subsection (2) is added to
1315 that section, to read:

1316 39.621 Permanency determination by the court.—



1317 (2) The permanency goal of maintaining and strengthening
1318 the placement with a parent may be used in all of the following
1319 circumstances:

1320 (a) If a child has not been removed from a parent, even if
1321 adjudication of dependency is withheld, the court may leave the
1322 child in the current placement with maintaining and
1323 strengthening the placement as a permanency option.

1324 (b) If a child has been removed from a parent and is placed
1325 with the parent from whom the child was not removed, the court
1326 may leave the child in the placement with the parent from whom
1327 the child was not removed with maintaining and strengthening the
1328 placement as a permanency option.

1329 (c) If a child has been removed from a parent and is
1330 subsequently reunified with that parent, the court may leave the
1331 child with that parent with maintaining and strengthening the
1332 placement as a permanency option.

1333 Section 19. Subsection (7) is added to section 39.6221,
1334 Florida Statutes, to read:

1335 39.6221 Permanent guardianship of a dependent child.—

1336 (7) The requirements of s. 61.13001 do not apply to
1337 permanent guardianships established under this section.

1338 Section 20. Paragraph (h) is added to subsection (1) of
1339 section 39.701, Florida Statutes, to read:

1340 39.701 Judicial review.—

1341 (1) GENERAL PROVISIONS.—

1342 (h) If a child is born into a family that is under the
1343 court's jurisdiction or a child moves into a home that is under
1344 the court's jurisdiction, the department shall assess the
1345 child's safety and provide notice to the court.



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1346 1. The department shall complete an assessment to determine
1347 how the addition of a child will impact family functioning. The
1348 assessment must be completed at least 30 days before a child is
1349 expected to be born or to move into a home, or within 72 hours
1350 after the department learns of the pregnancy or addition if the
1351 child is expected to be born or to move into the home in less
1352 than 30 days. The assessment shall be filed with the court.

1353 2. Once a child is born into a family or a child moves into
1354 the home, the department shall complete a progress update and
1355 file it with the court.

1356 3. The court has the discretion to hold a hearing on the
1357 progress update filed by the department.

1358 Section 21. Subsection (3) of section 39.801, Florida
1359 Statutes, is amended to read:

1360 39.801 Procedures and jurisdiction; notice; service of
1361 process.—

1362 (3) Before the court may terminate parental rights, in
1363 addition to the other requirements set forth in this part, the
1364 following requirements must be met:

1365 (a) Notice of the date, time, and place of the advisory
1366 hearing for the petition to terminate parental rights and a copy
1367 of the petition must be personally served upon the following
1368 persons, specifically notifying them that a petition has been
1369 filed:

1370 1. The parents of the child.

1371 2. The legal custodians of the child.

1372 3. If the parents who would be entitled to notice are dead
1373 or unknown, a living relative of the child, unless upon diligent
1374 search and inquiry no such relative can be found.



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1375 4. Any person who has physical custody of the child.
1376 5. Any grandparent entitled to priority for adoption under
1377 s. 63.0425.
1378 6. Any prospective parent who has been identified under s.
1379 39.503 or s. 39.803, unless a court order has been entered
1380 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
1381 indicates no further notice is required. Except as otherwise
1382 provided in this section, if there is not a legal father, notice
1383 of the petition for termination of parental rights must be
1384 provided to any known prospective father who is identified under
1385 oath before the court or who is identified by a diligent search
1386 of the Florida Putative Father Registry. Service of the notice
1387 of the petition for termination of parental rights is not
1388 required if the prospective father executes an affidavit of
1389 nonpaternity or a consent to termination of his parental rights
1390 which is accepted by the court after notice and opportunity to
1391 be heard by all parties to address the best interests of the
1392 child in accepting such affidavit.
1393 7. The guardian ad litem for the child or the
1394 representative of the guardian ad litem program, if the program
1395 has been appointed.
1396
1397 The document containing the notice to respond or appear must
1398 contain, in type at least as large as the type in the balance of
1399 the document, the following or substantially similar language:
1400 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
1401 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
1402 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
1403 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE



1404 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
1405 NOTICE.”

1406 (b) If a party required to be served with notice as
1407 prescribed in paragraph (a) cannot be served, notice of hearings
1408 must be given as prescribed by the rules of civil procedure, and
1409 service of process must be made as specified by law or civil
1410 actions.

1411 (c) Notice as prescribed by this section may be waived, in
1412 the discretion of the judge, with regard to any person to whom
1413 notice must be given under this subsection if the person
1414 executes, before two witnesses and a notary public or other
1415 officer authorized to take acknowledgments, a written surrender
1416 of the child to a licensed child-placing agency or the
1417 department.

1418 (d) If the person served with notice under this section
1419 fails to personally appear at the advisory hearing, the failure
1420 to personally appear shall constitute consent for termination of
1421 parental rights by the person given notice. If a parent appears
1422 for the advisory hearing and the court orders that parent to
1423 personally appear at the adjudicatory hearing for the petition
1424 for termination of parental rights, stating the date, time, and
1425 location of said hearing, then failure of that parent to
1426 personally appear at the adjudicatory hearing shall constitute
1427 consent for termination of parental rights.

1428 Section 22. Section 39.803, Florida Statutes, is amended to
1429 read:

1430 39.803 Identity or location of parent unknown after filing
1431 of termination of parental rights petition; special procedures.-

1432 (1) If the identity or location of a parent is unknown and



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1433 a petition for termination of parental rights is filed, the
1434 court shall conduct under oath the following inquiry of the
1435 parent who is available, or, if no parent is available, of any
1436 relative, caregiver, or legal custodian of the child who is
1437 present at the hearing and likely to have the information:

1438 (a) Whether the mother of the child was married at the
1439 probable time of conception of the child or at the time of birth
1440 of the child.

1441 (b) Whether the mother was cohabiting with a male at the
1442 probable time of conception of the child.

1443 (c) Whether the mother has received payments or promises of
1444 support with respect to the child or because of her pregnancy
1445 from a man who claims to be the father.

1446 (d) Whether the mother has named any man as the father on
1447 the birth certificate of the child or in connection with
1448 applying for or receiving public assistance.

1449 (e) Whether any man has acknowledged or claimed paternity
1450 of the child in a jurisdiction in which the mother resided at
1451 the time of or since conception of the child, or in which the
1452 child has resided or resides.

1453 (f) Whether a man is named on the birth certificate of the
1454 child pursuant to s. 382.013(2).

1455 (g) Whether a man has been determined by a court order to
1456 be the father of the child.

1457 (h) Whether a man has been determined to be the father of
1458 the child by the Department of Revenue as provided in s.
1459 409.256.

1460 (2) The information required in subsection (1) may be
1461 supplied to the court or the department in the form of a sworn



1462 affidavit by a person having personal knowledge of the facts.

1463 (3) If the inquiry under subsection (1) identifies any
1464 person as a parent or prospective parent, the court shall
1465 require notice of the hearing to be provided to that person.

1466 (4) If the inquiry under subsection (1) fails to identify
1467 any person as a parent or prospective parent, the court shall so
1468 find and may proceed without further notice.

1469 (5) If the inquiry under subsection (1) identifies a parent
1470 or prospective parent, and that person's location is unknown,
1471 the court shall direct the petitioner to conduct a diligent
1472 search for that person before scheduling an adjudicatory hearing
1473 regarding the petition for termination of parental rights to the
1474 child unless the court finds that the best interest of the child
1475 requires proceeding without actual notice to the person whose
1476 location is unknown.

1477 (6) The diligent search required by subsection (5) must
1478 include, at a minimum, inquiries of all known relatives of the
1479 parent or prospective parent, inquiries of all offices of
1480 program areas of the department likely to have information about
1481 the parent or prospective parent, inquiries of other state and
1482 federal agencies likely to have information about the parent or
1483 prospective parent, inquiries of appropriate utility and postal
1484 providers, a thorough search of at least one electronic database
1485 specifically designed for locating persons, a search of the
1486 Florida Putative Father Registry, and inquiries of appropriate
1487 law enforcement agencies. Pursuant to s. 453 of the Social
1488 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the
1489 state agency administering Titles IV-B and IV-E of the act,
1490 shall be provided access to the federal and state parent locator



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1491 service for diligent search activities.

1492 (7) Any agency contacted by petitioner with a request for
1493 information pursuant to subsection (6) shall release the
1494 requested information to the petitioner without the necessity of
1495 a subpoena or court order.

1496 (8) If the inquiry and diligent search identifies a
1497 prospective parent, that person must be given the opportunity to
1498 become a party to the proceedings by completing a sworn
1499 affidavit of parenthood and filing it with the court or the
1500 department. A prospective parent who files a sworn affidavit of
1501 parenthood while the child is a dependent child but no later
1502 than at the time of or before ~~prior to~~ the adjudicatory hearing
1503 in the termination of parental rights proceeding for the child
1504 shall be considered a parent for all purposes under this
1505 section.

1506 (9) If the diligent search under subsection (5) fails to
1507 identify and locate a prospective parent, the court shall so
1508 find and may proceed without further notice.

1509 Section 23. Paragraph (1) of subsection (1) of section
1510 39.806, Florida Statutes, is amended, and subsections (2) and
1511 (3) of that section are republished, to read:

1512 39.806 Grounds for termination of parental rights.—

1513 (1) Grounds for the termination of parental rights may be
1514 established under any of the following circumstances:

1515 (1) On three or more occasions the child or another child
1516 of the parent or parents has been placed in out-of-home care
1517 pursuant to this chapter or the law of any state, territory, or
1518 jurisdiction of the United States which is substantially similar
1519 to this chapter, and the conditions that led to the child's out-



1520 of-home placement were caused by the parent or parents.

1521 (2) Reasonable efforts to preserve and reunify families are
1522 not required if a court of competent jurisdiction has determined
1523 that any of the events described in paragraphs (1)(b)-(d) or
1524 paragraphs (1)(f)-(m) have occurred.

1525 (3) If a petition for termination of parental rights is
1526 filed under subsection (1), a separate petition for dependency
1527 need not be filed and the department need not offer the parents
1528 a case plan having a goal of reunification, but may instead file
1529 with the court a case plan having a goal of termination of
1530 parental rights to allow continuation of services until the
1531 termination is granted or until further orders of the court are
1532 issued.

1533 Section 24. Subsection (6) of section 39.811, Florida
1534 Statutes, is amended to read:

1535 39.811 Powers of disposition; order of disposition.—

1536 (6) The parental rights of one parent may be severed
1537 without severing the parental rights of the other parent only
1538 under the following circumstances:

1539 (a) If the child has only one surviving parent;

1540 (b) If the identity of a prospective parent has been
1541 established as unknown after sworn testimony;

1542 (c) If the parent whose rights are being terminated became
1543 a parent through a single-parent adoption;

1544 (d) If the protection of the child demands termination of
1545 the rights of a single parent; or

1546 (e) If the parent whose rights are being terminated meets
1547 any of the criteria specified in s. 39.806(1)(c), (d), (f), (g),
1548 (h), (i), (j), (k), (l), (m), or (n) ~~and (f)-(m)~~.



1549 Section 25. Paragraph (b) of subsection (4) of section
1550 125.901, Florida Statutes, is amended to read:

1551 125.901 Children's services; independent special district;
1552 council; powers, duties, and functions; public records
1553 exemption.—

1554 (4)

1555 (b)1.a. Notwithstanding paragraph (a), the governing body
1556 of the county shall submit the question of retention or
1557 dissolution of a district with voter-approved taxing authority
1558 to the electorate in the general election according to the
1559 following schedule:

1560 (I) For a district in existence on July 1, 2010, and
1561 serving a county with a population of 400,000 or fewer persons
1562 as of that date.....2014.

1563 (II) For a district in existence on July 1, 2010, and
1564 serving a county with a population of 2 million or more persons
1565 as of that date, unless the governing body of the county has
1566 previously submitted such question voluntarily to the electorate
1567 for a second time since 2005,.....2020.

1568 b. A referendum by the electorate on or after July 1, 2010,
1569 creating a new district with taxing authority may specify that
1570 the district is not subject to reauthorization or may specify
1571 the number of years for which the initial authorization shall
1572 remain effective. If the referendum does not prescribe terms of
1573 reauthorization, the governing body of the county shall submit
1574 the question of retention or dissolution of the district to the
1575 electorate in the general election 12 years after the initial
1576 authorization.

1577 2. The governing body of the district may specify, and



1578 submit to the governing body of the county no later than 9
1579 months before the scheduled election, that the district is not
1580 subsequently subject to reauthorization or may specify the
1581 number of years for which a reauthorization under this paragraph
1582 shall remain effective. If the governing body of the district
1583 makes such specification and submission, the governing body of
1584 the county shall include that information in the question
1585 submitted to the electorate. If the governing body of the
1586 district does not specify and submit such information, the
1587 governing body of the county shall resubmit the question of
1588 reauthorization to the electorate every 12 years after the year
1589 prescribed in subparagraph 1. The governing body of the district
1590 may recommend to the governing body of the county language for
1591 the question submitted to the electorate.

1592 3. Nothing in this paragraph limits the authority to
1593 dissolve a district as provided under paragraph (a).

1594 4. Nothing in this paragraph precludes the governing body
1595 of a district from requesting that the governing body of the
1596 county submit the question of retention or dissolution of a
1597 district with voter-approved taxing authority to the electorate
1598 at a date earlier than the year prescribed in subparagraph 1. If
1599 the governing body of the county accepts the request and submits
1600 the question to the electorate, the governing body satisfies the
1601 requirement of that subparagraph.

1602
1603 If any district is dissolved pursuant to this subsection, each
1604 county must first obligate itself to assume the debts,
1605 liabilities, contracts, and outstanding obligations of the
1606 district within the total millage available to the county



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1607 governing body for all county and municipal purposes as provided
1608 for under s. 9, Art. VII of the State Constitution. Any district
1609 may also be dissolved pursuant to part VII of chapter 189.

1610 Section 26. Paragraphs (g) and (h) of subsection (2) of
1611 section 394.463, Florida Statutes, are amended to read:

1612 394.463 Involuntary examination.—

1613 (2) INVOLUNTARY EXAMINATION.—

1614 (g) The examination period must be for up to 72 hours. For
1615 a minor, the examination shall be initiated within 12 hours
1616 after the patient's arrival at the facility. Within the ~~72-hour~~
1617 examination period or, if the examination period ~~72 hours~~ ends
1618 on a weekend or holiday, no later than the next working day
1619 thereafter, one of the following actions must be taken, based on
1620 the individual needs of the patient:

1621 1. The patient shall be released, unless he or she is
1622 charged with a crime, in which case the patient shall be
1623 returned to the custody of a law enforcement officer;

1624 2. The patient shall be released, subject to ~~the provisions~~
1625 ~~of~~ subparagraph 1., for voluntary outpatient treatment;

1626 3. The patient, unless he or she is charged with a crime,
1627 shall be asked to give express and informed consent to placement
1628 as a voluntary patient and, if such consent is given, the
1629 patient shall be admitted as a voluntary patient; or

1630 4. A petition for involuntary services shall be filed in
1631 the circuit court if inpatient treatment is deemed necessary or
1632 with the criminal county court, as defined in s. 394.4655(1), as
1633 applicable. When inpatient treatment is deemed necessary, the
1634 least restrictive treatment consistent with the optimum
1635 improvement of the patient's condition shall be made available.



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1636 When a petition is to be filed for involuntary outpatient
1637 placement, it shall be filed by one of the petitioners specified
1638 in s. 394.4655(4) (a). A petition for involuntary inpatient
1639 placement shall be filed by the facility administrator.

1640 (h) A person for whom an involuntary examination has been
1641 initiated who is being evaluated or treated at a hospital for an
1642 emergency medical condition specified in s. 395.002 must be
1643 examined by a facility within the examination period specified
1644 in paragraph (g) 72 hours. The examination 72-hour period begins
1645 when the patient arrives at the hospital and ceases when the
1646 attending physician documents that the patient has an emergency
1647 medical condition. If the patient is examined at a hospital
1648 providing emergency medical services by a professional qualified
1649 to perform an involuntary examination and is found as a result
1650 of that examination not to meet the criteria for involuntary
1651 outpatient services pursuant to s. 394.4655(2) or involuntary
1652 inpatient placement pursuant to s. 394.467(1), the patient may
1653 be offered voluntary services or placement, if appropriate, or
1654 released directly from the hospital providing emergency medical
1655 services. The finding by the professional that the patient has
1656 been examined and does not meet the criteria for involuntary
1657 inpatient services or involuntary outpatient placement must be
1658 entered into the patient's clinical record. This paragraph is
1659 not intended to prevent a hospital providing emergency medical
1660 services from appropriately transferring a patient to another
1661 hospital before stabilization if the requirements of s.
1662 395.1041(3) (c) have been met.

1663 Section 27. (1) There is created a task force within the
1664 Department of Children and Families to address the issue of



1665 involuntary examinations under s. 394.463, Florida Statutes, of
1666 children age 17 years and younger. The task force shall, at a
1667 minimum, analyze data on the initiation of involuntary
1668 examinations of children, research the root causes of any trends
1669 in such involuntary examinations, identify and evaluate options
1670 for expediting examinations for children, and identify
1671 recommendations for encouraging alternatives to and eliminating
1672 inappropriate initiations of such examinations. The task force
1673 shall submit a report of its findings to the Governor, the
1674 President of the Senate, and the Speaker of the House of
1675 Representatives on or before November 15, 2017.

1676 (2) The Secretary of Children and Families or his or her
1677 designee shall chair the task force, which shall consist of the
1678 following members appointed by the secretary:

1679 (a) The Commissioner of Education or his or her designee.

1680 (b) A representative of the Florida Public Defender
1681 Association.

1682 (c) A representative of the Florida Association of District
1683 School Superintendents.

1684 (d) A representative of the Florida Sheriffs Association.

1685 (e) A representative of the Florida Police Chiefs
1686 Association.

1687 (f) A representative of the Florida Council for Community
1688 Mental Health.

1689 (g) A representative of the Florida Alcohol and Drug Abuse
1690 Association.

1691 (h) A representative of the Behavioral Health Care Council
1692 of the Florida Hospital Association.

1693 (i) A representative of the Florida Psychiatric Society.



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1694 (j) A representative of the National Alliance on Mental
1695 Illness.

1696 (k) One individual who is a family member of a minor who
1697 has been subject to an involuntary examination.

1698 (l) Other members as deemed appropriate by the Secretary of
1699 Children and Families.

1700 (3) The department shall use existing and available
1701 resources to administer and support the activities of the task
1702 force. Members of the task force shall serve without
1703 compensation and are not entitled to reimbursement for per diem
1704 or travel expense. The task force may conduct its meetings by
1705 teleconference.

1706 (4) This section expires March 31, 2018.

1707 Section 28. Paragraph (g) of subsection (4) of section
1708 395.3025, Florida Statutes, is amended, and subsection (8) of
1709 that section is republished, to read:

1710 395.3025 Patient and personnel records; copies;
1711 examination.-

1712 (4) Patient records are confidential and must not be
1713 disclosed without the consent of the patient or his or her legal
1714 representative, but appropriate disclosure may be made without
1715 such consent to:

1716 (g) The Department of Children and Families, ~~or~~ its agent,
1717 or its contracted entity, for the purpose of investigations of
1718 or services for cases of abuse, neglect, or exploitation of
1719 children or vulnerable adults.

1720 (8) Patient records at hospitals and ambulatory surgical
1721 centers are exempt from disclosure under s. 119.07(1), except as
1722 provided by subsections (1)-(5).



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1723 Section 29. Subsections (2) and (6) of section 402.40,
1724 Florida Statutes, are amended to read:

1725 402.40 Child welfare training and certification.—

1726 (2) DEFINITIONS.—As used in this section, the term:

1727 (a) "Child welfare certification" means a professional
1728 credential awarded by a department-approved third-party
1729 credentialing entity to individuals demonstrating core
1730 competency in any child welfare practice area.

1731 (b) "Child welfare services" means any intake, protective
1732 investigations, preprotective services, protective services,
1733 foster care, shelter and group care, and adoption and related
1734 services program, including supportive services and supervision
1735 provided to children who are alleged to have been abused,
1736 abandoned, or neglected or who are at risk of becoming, are
1737 alleged to be, or have been found dependent pursuant to chapter
1738 39.

1739 (c) "Child welfare trainer" means any person providing
1740 training for the purposes of child welfare professionals earning
1741 certification.

1742 (d) ~~(e)~~ "Core competency" means the minimum knowledge,
1743 skills, and abilities necessary to carry out work
1744 responsibilities.

1745 (e) ~~(d)~~ "Person providing child welfare services" means a
1746 person who has a responsibility for supervisory, direct care, or
1747 support-related work in the provision of child welfare services
1748 pursuant to chapter 39.

1749 (f) ~~(e)~~ "Preservice curriculum" means the minimum statewide
1750 training content based upon the core competencies which is made
1751 available to all persons providing child welfare services.



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1752 (g) ~~(f)~~ "Third-party credentialing entity" means a
1753 department-approved nonprofit organization that has met
1754 nationally recognized standards for developing and administering
1755 professional certification programs.

1756 (6) ADOPTION OF RULES.—The Department of Children and
1757 Families shall adopt rules necessary to carry out ~~the provisions~~
1758 ~~of~~ this section, including the requirements for child welfare
1759 trainers.

1760 Section 30. Section 409.16742, Florida Statutes, is created
1761 to read:

1762 409.16742 Shared family care residential services program
1763 for substance-exposed newborns.—

1764 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
1765 that there is evidence that, with appropriate support and
1766 training, some families can remain safely together without court
1767 involvement or traumatic separations. Therefore, it is the
1768 intent of the Legislature that alternative types of placement
1769 options be available which provide both safety for substance-
1770 exposed newborns and an opportunity for parents recovering from
1771 substance abuse disorders to achieve independence while living
1772 together in a protective, nurturing family environment.

1773 (2) ESTABLISHMENT OF PILOT PROGRAM.—The department shall
1774 establish a shared family care residential services program to
1775 serve substance-exposed newborns and their families through a
1776 contract with the designated lead agency established in
1777 accordance with s. 409.987 or with a private entity capable of
1778 providing residential care that satisfies the requirements of
1779 this section. The private entity or lead agency is responsible
1780 for all programmatic functions necessary to carry out the intent



1781 of this section. As used in this section, the term "shared
1782 family care" means out-of-home care in which an entire family in
1783 need is temporarily placed in the home of a family who is
1784 trained to mentor and support the biological parents as they
1785 develop the caring skills and supports necessary for independent
1786 living.

1787 (3) SERVICES.—The department shall specify services that
1788 must be made available to newborns and their families through
1789 the pilot program.

1790 Section 31. Section 409.992, Florida Statutes, is amended
1791 to read:

1792 409.992 Lead agency expenditures.—

1793 (1) The procurement of commodities or contractual services
1794 by lead agencies shall be governed by the financial guidelines
1795 developed by the department and must comply with applicable
1796 state and federal law and follow good business practices.
1797 Pursuant to s. 11.45, the Auditor General may provide technical
1798 advice in the development of the financial guidelines.

1799 (2) Notwithstanding any other provision of law, a
1800 community-based care lead agency may make expenditures for staff
1801 cellular telephone allowances, contracts requiring deferred
1802 payments and maintenance agreements, security deposits for
1803 office leases, related agency professional membership dues other
1804 than personal professional membership dues, promotional
1805 materials, and grant writing services. Expenditures for food and
1806 refreshments, other than those provided to clients in the care
1807 of the agency or to foster parents, adoptive parents, and
1808 caseworkers during training sessions, are not allowable.

1809 (3) Notwithstanding any other provision of law, a



1810 community-based care lead agency administrative employee may not
1811 receive a salary, whether base pay or base pay combined with any
1812 bonus or incentive payments, in excess of 150 percent of the
1813 annual salary paid to the secretary of the Department of
1814 Children and Families from state-appropriated funds, including
1815 state-appropriated federal funds. This subsection does not
1816 prohibit any party from providing cash that is not from
1817 appropriated state funds to a community-based care lead agency
1818 administrative employee.

1819 (4)~~(3)~~ A lead community-based care agency and its
1820 subcontractors are exempt from state travel policies as provided
1821 in s. 112.061(3)(a) for their travel expenses incurred in order
1822 to comply with the requirements of this section.

1823 Section 32. Subsections (22) and (23) are added to section
1824 409.996, Florida Statutes, to read:

1825 409.996 Duties of the Department of Children and Families.—
1826 The department shall contract for the delivery, administration,
1827 or management of care for children in the child protection and
1828 child welfare system. In doing so, the department retains
1829 responsibility for the quality of contracted services and
1830 programs and shall ensure that services are delivered in
1831 accordance with applicable federal and state statutes and
1832 regulations.

1833 (22) The department shall develop, in collaboration with
1834 the Florida Institute for Child Welfare, lead agencies, service
1835 providers, current and former foster children placed in
1836 residential group care, and other community stakeholders, a
1837 statewide accountability system for residential group care
1838 providers based on measureable quality standards.



1839 (a) The accountability system must:
1840 1. Promote high quality in services and accommodations,
1841 differentiating between shift and family-style models and
1842 programs and services for children with specialized or
1843 extraordinary needs, such as pregnant teens and children with
1844 Department of Juvenile Justice involvement.
1845 2. Include a quality measurement system with domains and
1846 clearly defined levels of quality. The system must measure the
1847 level of quality for each domain, using criteria that
1848 residential group care providers must meet in order to achieve
1849 each level of quality. Domains may include, but are not limited
1850 to, admissions, service planning, treatment planning, living
1851 environment, and program and service requirements. The system
1852 may also consider outcomes 6 months and 12 months after a child
1853 leaves the provider's care. However, the system may not assign a
1854 single summary rating to residential group care providers.
1855 3. Consider the level of availability of trauma-informed
1856 care and mental health and physical health services, providers'
1857 engagement with the schools children in their care attend, and
1858 opportunities for children's involvement in extracurricular
1859 activities.
1860 (b) After development and implementation of the
1861 accountability system in accordance with paragraph (a), the
1862 department and each lead agency shall use the information from
1863 the accountability system to promote enhanced quality in
1864 residential group care within their respective areas of
1865 responsibility. Such promotion may include, but is not limited
1866 to, the use of incentives and ongoing contract monitoring
1867 efforts.



1868 (c) The department shall submit a report to the Governor,
1869 the President of the Senate, and the Speaker of the House of
1870 Representatives by October 1 of each year, with the first report
1871 due October 1, 2017. The report must, at a minimum, include an
1872 update on the development of a statewide accountability system
1873 for residential group care providers and a plan for department
1874 oversight and implementation of the statewide accountability
1875 system. After implementation of the statewide accountability
1876 system, the report must also include a description of the
1877 system, including measures and any tools developed, a
1878 description of how the information is being used by the
1879 department and lead agencies, an assessment of placement of
1880 children in residential group care using data from the
1881 accountability system measures, and recommendations to further
1882 improve quality in residential group care.

1883 (d) The accountability system must be implemented by July
1884 1, 2022.

1885 (e) Nothing in this subsection impairs the department's
1886 licensure authority under s. 409.175.

1887 (f) The department may adopt rules to administer this
1888 subsection.

1889 (23) (a) The department, in collaboration with the Florida
1890 Institute for Child Welfare, shall convene a workgroup on foster
1891 home quality. The workgroup, at a minimum, shall identify
1892 measures of foster home quality, review current efforts by lead
1893 agencies and subcontractors to enhance foster home quality,
1894 identify barriers to the greater availability of high-quality
1895 foster homes, and recommend additional strategies for assessing
1896 the quality of foster homes and increasing the availability of



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1897 high-quality foster homes.

1898 (b) The workgroup shall include representatives from the
1899 department, the Florida Institute for Child Welfare, foster
1900 parents, current and former foster children, foster parent
1901 organizations, lead agencies, child-placing agencies, other
1902 service providers, and others as determined by the department.

1903 (c) The Florida Institute for Child Welfare shall provide
1904 the workgroup with relevant research on, at a minimum, measures
1905 of quality of foster homes; evidence-supported strategies to
1906 increase the availability of high-quality foster homes, such as
1907 those regarding recruitment, screening, training, retention, and
1908 child placement; descriptions and results of quality improvement
1909 efforts in other jurisdictions; and the root causes of placement
1910 disruption.

1911 (d) The department shall submit a report to the Governor,
1912 the President of the Senate, and the Speaker of the House of
1913 Representatives by November 15, 2017. The report shall, at a
1914 minimum:

1915 1. Describe the important dimensions of quality for foster
1916 homes;

1917 2. Describe the foster home quality enhancement efforts in
1918 the state, including, but not limited to, recruitment,
1919 retention, placement procedures, systems change, and quality
1920 measurement programs, and any positive or negative results;

1921 3. Identify barriers to the greater availability of high-
1922 quality foster homes;

1923 4. Discuss available research regarding high-quality foster
1924 homes; and

1925 5. Present a plan for developing and implementing



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1926 strategies to increase the availability of high-quality foster
1927 homes. The strategies shall address important elements of
1928 quality, be based on available research, include both
1929 qualitative and quantitative measures of quality, integrate with
1930 the community-based care model, and be respectful of the privacy
1931 and needs of foster parents. The plan shall recommend possible
1932 instruments and measures and identify any changes to general law
1933 or rule necessary for implementation.

1934 Section 33. Paragraph (a) of subsection (7) of section
1935 456.057, Florida Statutes, is amended to read:

1936 456.057 Ownership and control of patient records; report or
1937 copies of records to be furnished; disclosure of information.-

1938 (7) (a) Except as otherwise provided in this section and in
1939 s. 440.13(4) (c), such records may not be furnished to, and the
1940 medical condition of a patient may not be discussed with, any
1941 person other than the patient, the patient's legal
1942 representative, or other health care practitioners and providers
1943 involved in the patient's care or treatment, except upon written
1944 authorization from the patient. However, such records may be
1945 furnished without written authorization under the following
1946 circumstances:

1947 1. To any person, firm, or corporation that has procured or
1948 furnished such care or treatment with the patient's consent.

1949 2. When compulsory physical examination is made pursuant to
1950 Rule 1.360, Florida Rules of Civil Procedure, in which case
1951 copies of the medical records shall be furnished to both the
1952 defendant and the plaintiff.

1953 3. In any civil or criminal action, unless otherwise
1954 prohibited by law, upon the issuance of a subpoena from a court



1955 of competent jurisdiction and proper notice to the patient or
1956 the patient's legal representative by the party seeking such
1957 records.

1958 4. For statistical and scientific research, provided the
1959 information is abstracted in such a way as to protect the
1960 identity of the patient or provided written permission is
1961 received from the patient or the patient's legal representative.

1962 5. To a regional poison control center for purposes of
1963 treating a poison episode under evaluation, case management of
1964 poison cases, or compliance with data collection and reporting
1965 requirements of s. 395.1027 and the professional organization
1966 that certifies poison control centers in accordance with federal
1967 law.

1968 6. To the Department of Children and Families, its agent,
1969 or its contracted entity, for the purpose of investigations of
1970 or services for cases of abuse, neglect, or exploitation of
1971 children or vulnerable adults.

1972 Section 34. Section 409.141, Florida Statutes, is repealed.

1973 Section 35. Section 409.1677, Florida Statutes, is
1974 repealed.

1975 Section 36. Section 743.067, Florida Statutes, is amended
1976 to read:

1977 743.067 Certified unaccompanied homeless youths.-

1978 (1) For purposes of this section, an "unaccompanied
1979 homeless youth" is an individual who is 16 years of age or older
1980 and is:

1981 (a) Found by a school district's liaison for homeless
1982 children and youths to be an unaccompanied homeless youth
1983 eligible for services pursuant to the McKinney-Vento Homeless



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1984 Assistance Act, 42 U.S.C. ss. 11431-11435; or
1985 (b) Believed to qualify as an unaccompanied homeless youth,
1986 as that term is defined in the McKinney-Vento Homeless
1987 Assistance Act, by:
1988 1. The director of an emergency shelter program funded by
1989 the United States Department of Housing and Urban Development,
1990 or the director's designee;
1991 2. The director of a runaway or homeless youth basic center
1992 or transitional living program funded by the United States
1993 Department of Health and Human Services, or the director's
1994 designee; or
1995 ~~3. A clinical social worker licensed under chapter 491; or~~
1996 ~~4. A circuit court.~~
1997 3. A continuum of care lead agency, or its designee.
1998 (2) (a) The State Office on Homelessness within the
1999 Department of Children and Families shall develop a standardized
2000 form that must be used by the entities specified in subsection
2001 (1) to certify qualifying unaccompanied homeless youth. The
2002 front of the form must include the circumstances that qualify
2003 the youth; the date the youth was certified; and the name,
2004 title, and signature of the certifying individual. This section
2005 must be reproduced in its entirety on the back of the form ~~A~~
2006 ~~minor who qualifies as an unaccompanied homeless youth shall be~~
2007 ~~issued a written certificate documenting his or her status by~~
2008 ~~the appropriate individual as provided in subsection (1). The~~
2009 ~~certificate shall be issued on the official letterhead~~
2010 ~~stationery of the person making the determination and shall~~
2011 ~~include the date of the finding, a citation to this section, and~~
2012 ~~the signature of the individual making the finding.~~



2013 (b) A certified unaccompanied homeless youth may use the
2014 completed form to apply at no charge for an identification card
2015 issued by the Department of Highway Safety and Motor Vehicles
2016 pursuant to s. 322.051(9).

2017 (c) A health care provider may accept the written
2018 certificate as proof of the minor's status as a certified ~~an~~
2019 unaccompanied homeless youth and may keep a copy of the
2020 certificate in the youth's medical file.

2021 (3) A certified ~~an~~ unaccompanied homeless youth may:

2022 (a) Petition the circuit court to have the disabilities of
2023 nonage removed under s. 743.015. The youth shall qualify as a
2024 person not required to prepay costs and fees as provided in s.
2025 57.081. The court shall advance the cause on the calendar.

2026 (b) Notwithstanding s. 394.4625(1), consent to medical,
2027 dental, psychological, substance abuse, and surgical diagnosis
2028 and treatment, including preventative care and care by a
2029 facility licensed under chapter 394, chapter 395, or chapter 397
2030 and any forensic medical examination for the purpose of
2031 investigating any felony offense under chapter 784, chapter 787,
2032 chapter 794, chapter 800, or chapter 827, for:

- 2033 1. Himself or herself; or
2034 2. His or her child, if the certified unaccompanied
2035 homeless youth is unmarried, is the parent of the child, and has
2036 actual custody of the child.

2037 (4) This section does not affect the requirements of s.
2038 390.01114.

2039 Section 37. Paragraph (f) of subsection (1) of section
2040 1009.25, Florida Statutes, is amended to read:

2041 1009.25 Fee exemptions.-



2042 (1) The following students are exempt from the payment of
2043 tuition and fees, including lab fees, at a school district that
2044 provides workforce education programs, Florida College System
2045 institution, or state university:

2046 (f) A student who lacks a fixed, regular, and adequate
2047 nighttime residence or whose primary nighttime residence is a
2048 public or private shelter designed to provide temporary
2049 residence, a public or private transitional living program for
2050 individuals intended to be institutionalized, or a public or
2051 private place not designed for, or ordinarily used as, a regular
2052 sleeping accommodation for human beings. This includes a student
2053 who would otherwise meet the requirements of this paragraph, as
2054 determined by a college or university, but for his or her
2055 residence in college or university dormitory housing.

2056 Section 38. Subsection (1) of section 39.524, Florida
2057 Statutes, is amended to read:

2058 39.524 Safe-harbor placement.—

2059 (1) Except as provided in s. 39.407 or s. 985.801, a
2060 dependent child 6 years of age or older who has been found to be
2061 a victim of sexual exploitation as defined in s. 39.01(71)(g) ~~s.~~
2062 ~~39.01(70)(g)~~ must be assessed for placement in a safe house or
2063 safe foster home as provided in s. 409.1678 using the initial
2064 screening and assessment instruments provided in s. 409.1754(1).
2065 If such placement is determined to be appropriate for the child
2066 as a result of this assessment, the child may be placed in a
2067 safe house or safe foster home, if one is available. However,
2068 the child may be placed in another setting, if the other setting
2069 is more appropriate to the child's needs or if a safe house or
2070 safe foster home is unavailable, as long as the child's



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2071 behaviors are managed so as not to endanger other children
2072 served in that setting.

2073 Section 39. Paragraph (p) of subsection (4) of section
2074 394.495, Florida Statutes, is amended to read:

2075 394.495 Child and adolescent mental health system of care;
2076 programs and services.—

2077 (4) The array of services may include, but is not limited
2078 to:

2079 (p) Trauma-informed services for children who have suffered
2080 sexual exploitation as defined in s. 39.01(71)(g) ~~§~~.
2081 ~~39.01(70)(g)~~.

2082 Section 40. Paragraph (c) of subsection (1) and paragraphs
2083 (a) and (b) of subsection (6) of section 409.1678, Florida
2084 Statutes, are amended to read:

2085 409.1678 Specialized residential options for children who
2086 are victims of sexual exploitation.—

2087 (1) DEFINITIONS.—As used in this section, the term:

2088 (c) "Sexually exploited child" means a child who has
2089 suffered sexual exploitation as defined in s. 39.01(71)(g) ~~§~~.
2090 ~~39.01(70)(g)~~ and is ineligible for relief and benefits under the
2091 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101
2092 et seq.

2093 (6) LOCATION INFORMATION.—

2094 (a) Information about the location of a safe house, safe
2095 foster home, or other residential facility serving victims of
2096 sexual exploitation, as defined in s. 39.01(71)(g) ~~§~~.
2097 ~~39.01(70)(g)~~, which is held by an agency, as defined in s.
2098 119.011, is confidential and exempt from s. 119.07(1) and s.
2099 24(a), Art. I of the State Constitution. This exemption applies



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2100 to such confidential and exempt information held by an agency
2101 before, on, or after the effective date of the exemption.

2102 (b) Information about the location of a safe house, safe
2103 foster home, or other residential facility serving victims of
2104 sexual exploitation, as defined in s. 39.01(71)(g) ~~s.~~
2105 ~~39.01(70)(g)~~, may be provided to an agency, as defined in s.
2106 119.011, as necessary to maintain health and safety standards
2107 and to address emergency situations in the safe house, safe
2108 foster home, or other residential facility.

2109 Section 41. Subsection (5) of section 960.065, Florida
2110 Statutes, is amended to read:

2111 960.065 Eligibility for awards.—

2112 (5) A person is not ineligible for an award pursuant to
2113 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
2114 person is a victim of sexual exploitation of a child as defined
2115 in s. 39.01(71)(g) ~~s. 39.01(70)(g)~~.

2116 Section 42. Section 409.1679, Florida Statutes, is amended
2117 to read:

2118 409.1679 Additional requirements; reimbursement
2119 methodology.—

2120 (1) Each program established under s. 409.1676 ~~ss. 409.1676~~
2121 ~~and 409.1677~~ must meet the following expectations, which must be
2122 included in its contracts with the department or lead agency:

2123 (a) No more than 10 percent of the children served may move
2124 from one living environment to another, unless the child is
2125 returned to family members or is moved, in accordance with the
2126 treatment plan, to a less-restrictive setting. Each child must
2127 have a comprehensive transitional plan that identifies the
2128 child's living arrangement upon leaving the program and specific



2129 steps and services that are being provided to prepare for that
2130 arrangement. Specific expectations as to the time period
2131 necessary for the achievement of these permanency goals must be
2132 included in the contract.

2133 (b) Each child must receive a full academic year of
2134 appropriate educational instruction. No more than 10 percent of
2135 the children may be in more than one academic setting in an
2136 academic year, unless the child is being moved, in accordance
2137 with an educational plan, to a less-restrictive setting. Each
2138 child must demonstrate academic progress and must be performing
2139 at grade level or at a level commensurate with a valid academic
2140 assessment.

2141 (c) Siblings must be kept together in the same living
2142 environment 100 percent of the time, unless that is determined
2143 by the provider not to be in the children's best interest. When
2144 siblings are separated in placement, the decision must be
2145 reviewed and approved by the court within 30 days.

2146 (d) The program must experience a caregiver turnover rate
2147 and an incidence of child runaway episodes which are at least 50
2148 percent below the rates experienced in the rest of the state.

2149 (e) In addition to providing a comprehensive assessment,
2150 the program must provide, 100 percent of the time, any or all of
2151 the following services that are indicated through the
2152 assessment: residential care; transportation; behavioral health
2153 services; recreational activities; clothing, supplies, and
2154 miscellaneous expenses associated with caring for these
2155 children; necessary arrangements for or provision of educational
2156 services; and necessary and appropriate health and dental care.

2157 (f) The children who are served in this program must be



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2158 satisfied with the services and living environment.

2159 (g) The caregivers must be satisfied with the program.

2160 (2) ~~Notwithstanding the provisions of s. 409.141,~~ The
2161 Department of Children and Families shall fairly and reasonably
2162 reimburse the programs established under s. 409.1676 ~~ss.~~
2163 ~~409.1676 and 409.1677~~ based on a prospective per diem rate,
2164 which must be specified annually in the General Appropriations
2165 Act. Funding for these programs shall be made available from
2166 resources appropriated and identified in the General
2167 Appropriations Act.

2168 Section 43. Subsection (11) of section 1002.3305, Florida
2169 Statutes, is amended to read:

2170 1002.3305 College-Preparatory Boarding Academy Pilot
2171 Program for at-risk students.-

2172 (11) STUDENT HOUSING.-~~Notwithstanding s. 409.176 ss.~~
2173 ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an
2174 operator may house and educate dependent, at-risk youth in its
2175 residential school for the purpose of facilitating the mission
2176 of the program and encouraging innovative practices.

2177 Section 44. For the purpose of incorporating the amendment
2178 made by this act to section 456.057, Florida Statutes, in a
2179 reference thereto, subsection (2) of section 483.181, Florida
2180 Statutes, is reenacted to read:

2181 483.181 Acceptance, collection, identification, and
2182 examination of specimens.-

2183 (2) The results of a test must be reported directly to the
2184 licensed practitioner or other authorized person who requested
2185 it, and appropriate disclosure may be made by the clinical
2186 laboratory without a patient's consent to other health care



2187 practitioners and providers involved in the care or treatment of
2188 the patient as specified in s. 456.057(7)(a). The report must
2189 include the name and address of the clinical laboratory in which
2190 the test was actually performed, unless the test was performed
2191 in a hospital laboratory and the report becomes an integral part
2192 of the hospital record.

2193 Section 45. The sum of \$250,000 from nonrecurring general
2194 revenue is appropriated to the Department of Children and
2195 Families the 2017-2018 fiscal year for the purpose of
2196 implementing a shared family care residential services pilot
2197 program to serve substance-exposed newborns and their families
2198 pursuant to s. 409.16742, Florida Statutes.

2199 Section 46. Except as otherwise expressly provided in this
2200 act, this act shall take effect July 1, 2017.

2201
2202 ===== T I T L E A M E N D M E N T =====

2203 And the title is amended as follows:

2204 Delete everything before the enacting clause
2205 and insert:

2206 A bill to be entitled
2207 An act relating to child welfare; amending s.
2208 395.1055, F.S.; requiring the Agency for Health Care
2209 Administration to establish a technical advisory panel
2210 to develop procedures and standards for measuring
2211 outcomes of pediatric cardiac catheterization programs
2212 and pediatric open-heart surgery programs; providing
2213 for the membership of the technical advisory panel;
2214 requiring the agency to develop and adopt rules for
2215 pediatric cardiac catheterization programs and



2216 pediatric open-heart surgery programs based on
2217 recommendations of the technical advisory panel;
2218 providing for future repeal of the advisory panel;
2219 amending s. 39.01, F.S.; defining the term "legal
2220 father"; redefining the terms "parent" and "permanency
2221 goal"; amending s. 39.013, F.S.; extending court
2222 jurisdiction to 22 years of age for young adults with
2223 disabilities in foster care; amending s. 39.202, F.S.;
2224 providing that confidential records held by the
2225 Department of Children and Families concerning reports
2226 of child abandonment, abuse, or neglect, including
2227 reports made to the central abuse hotline and all
2228 records generated as a result of such reports, may be
2229 accessed for employment screening of residential group
2230 home caregivers; changing the time period for the
2231 release of records to certain individuals; amending s.
2232 39.301, F.S.; requiring a safety plan to be issued for
2233 a perpetrator of domestic violence only if the
2234 perpetrator can be located; specifying what
2235 constitutes reasonable efforts; requiring that a child
2236 new to a family under investigation be added to the
2237 investigation and assessed for safety; amending s.
2238 39.302, F.S.; conforming a cross-reference; providing
2239 that central abuse hotline information may be used for
2240 certain employment screenings; amending s. 39.402,
2241 F.S.; requiring a court to inquire as to the identity
2242 and location of a child's legal father at the shelter
2243 hearing; specifying the types of information that fall
2244 within the scope of such inquiry; amending s. 39.503,



2245 F.S.; requiring a court to conduct under oath the
2246 inquiry to determine the identity or location of an
2247 unknown parent; requiring a court to seek additional
2248 information relating to a father's identity in such
2249 inquiry; requiring the diligent search to determine a
2250 parent's or prospective parent's location to include a
2251 search of the Florida Putative Father Registry;
2252 amending s. 39.504, F.S.; requiring that, if there is
2253 a pending dependency proceeding regarding a child for
2254 whom an injunction is sought to protect, the same
2255 judge must hear both proceedings; providing that the
2256 court may enter an injunction based on specified
2257 evidence; amending s. 39.507, F.S.; requiring a court
2258 to consider maltreatment allegations against a parent
2259 in an evidentiary hearing relating to a dependency
2260 petition; amending s. 39.5085, F.S.; revising
2261 eligibility guidelines for the Relative Caregiver
2262 Program with respect to relative and nonrelative
2263 caregivers; prohibiting a relative or nonrelative
2264 caregiver from receiving payments under the Relative
2265 Caregiver Program under certain circumstances;
2266 amending s. 39.521, F.S.; providing new time
2267 guidelines for filing with the court and providing
2268 copies of case plans and family functioning
2269 assessments; providing for assessment and program
2270 compliance for a parent who caused harm to a child by
2271 exposing the child to a controlled substance;
2272 providing in-home safety plan requirements; providing
2273 requirements for family functioning assessments;



2274 providing supervision requirements after
2275 reunification; amending s. 39.522, F.S.; providing
2276 conditions for returning a child to the home with an
2277 in-home safety plan; amending s. 39.523, F.S.;
2278 providing legislative findings and intent; requiring
2279 children placed in out-of-home care to be assessed to
2280 determine the least restrictive placement that meets
2281 the needs of the child; requiring specified entities
2282 to document the placement assessments and decisions;
2283 requiring a court to review and approve placements;
2284 requiring the department to post specified information
2285 relating to assessment and placement on its website
2286 and update that information annually on specified
2287 dates; authorizing the department to adopt rules;
2288 amending s. 39.6011, F.S.; providing requirements for
2289 confidential information in a case planning
2290 conference; providing restrictions; amending s.
2291 39.6012, F.S.; requiring that, if a parent caused harm
2292 to a child by exposing the child to a controlled
2293 substance, the case plan include as a required task
2294 that the parent submit to a certain assessment and
2295 comply with any treatment and services identified as
2296 necessary; amending s. 39.6035, F.S.; requiring a
2297 transition plan to be approved before a child reaches
2298 18 years of age; amending s. 39.621, F.S.; specifying
2299 the circumstances under which the permanency goal of
2300 maintaining and strengthening the placement with a
2301 parent may be used; amending s. 39.6221, F.S.;
2302 providing that relocation requirements for parents in



2303 dissolution proceedings do not apply to certain
2304 permanent guardianships; amending s. 39.701, F.S.;
2305 providing safety assessment requirements for children
2306 coming into a home under court jurisdiction; amending
2307 s. 39.801, F.S.; providing an exception to the notice
2308 requirement regarding the advisory hearing for a
2309 petition to terminate parental rights; amending s.
2310 39.803, F.S.; requiring a court to conduct under oath
2311 the inquiry to determine the identity or location of
2312 an unknown parent after the filing of a termination of
2313 parental rights petition; requiring a court to seek
2314 additional information relating to a legal father's
2315 identity in such inquiry; revising minimum
2316 requirements for the diligent search to determine the
2317 location of a parent or prospective parent;
2318 authorizing a court to schedule an adjudicatory
2319 hearing regarding a petition for termination of
2320 parental rights if a diligent search fails to identify
2321 and locate a prospective parent; amending s. 39.806,
2322 F.S.; revising circumstances under which grounds for
2323 the termination of parental rights may be established;
2324 amending s. 39.811, F.S.; revising circumstances under
2325 which the rights of one parent may be terminated
2326 without terminating the rights of the other parent;
2327 amending s. 125.901, F.S.; creating an exception to
2328 the requirement that, for an independent special
2329 district in existence on a certain date and serving a
2330 population of a specified size, the governing body of
2331 the county submit the question of the district's



2332 retention or dissolution to the electorate in a
2333 specified general election; amending s. 394.463, F.S.;
2334 requiring a facility to initiate an involuntary
2335 examination of a minor within 12 hours after his or
2336 her arrival; creating a task force within the
2337 Department of Children and Families; providing the
2338 purpose and membership of the task force; requiring
2339 the task force to analyze certain data and make
2340 recommendations in a report to the Governor and the
2341 Legislature by a specified date; providing for
2342 expiration of the task force; amending s. 395.3025,
2343 F.S.; revising requirements for access to patient
2344 records; amending s. 402.40, F.S.; defining the term
2345 "child welfare trainer"; providing rulemaking
2346 authority; creating s. 409.16742, F.S.; providing
2347 legislative findings and intent; establishing a shared
2348 family care residential services pilot program for
2349 substance-exposed newborns; amending s. 409.992, F.S.;
2350 limiting compensation from state-appropriated funds
2351 for administrative employees of community-based care
2352 agencies; amending s. 409.996, F.S.; requiring the
2353 Department of Children and Families to develop, in
2354 collaboration with specified entities, a statewide
2355 accountability system for residential group care
2356 providers; specifying requirements for the
2357 accountability system; requiring the department and
2358 the lead agencies to use the collected information to
2359 promote enhanced quality in residential group care;
2360 requiring the department to submit an annual report,



2361 beginning on a specified date, to the Governor and the
2362 Legislature; specifying report requirements; requiring
2363 implementation of the accountability system by a
2364 certain date; providing construction; authorizing the
2365 department to adopt rules; requiring the department,
2366 in collaboration with the Florida Institute for Child
2367 Welfare, to convene a workgroup on foster home
2368 quality; specifying requirements for the workgroup;
2369 providing for membership of the workgroup; requiring
2370 the Florida Institute for Child Welfare to provide the
2371 workgroup with specified research; requiring the
2372 workgroup to submit a report by a specified date to
2373 the Governor and the Legislature; specifying
2374 requirements for the report; amending s. 456.057,
2375 F.S.; revising requirements for access to patient
2376 records; repealing s. 409.141, F.S., relating to
2377 equitable reimbursement methodology; repealing s.
2378 409.1677, F.S., relating to model comprehensive
2379 residential services programs; amending s. 743.067,
2380 F.S.; revising the term "unaccompanied homeless
2381 youth"; requiring the State Office on Homelessness
2382 within the Department of Children and Families to
2383 develop a standardized form to be used in the
2384 certification of unaccompanied homeless youth;
2385 providing information that must be included in the
2386 certification form; authorizing a certified
2387 unaccompanied homeless youth to apply to the
2388 Department of Highway Safety and Motor Vehicles for an
2389 identification card; conforming terminology; amending



2390 s. 1009.25, F.S.; revising the exemption from the
2391 payment of tuition and fees for homeless students;
2392 amending ss. 39.524, 394.495, 409.1678, and 960.065,
2393 F.S.; conforming cross-references; amending ss.
2394 409.1679 and 1002.3305, F.S.; conforming provisions to
2395 changes made by the act; reenacting s. 483.181(2),
2396 F.S., relating to acceptance, collection,
2397 identification, and examination of specimens, to
2398 incorporate the amendment made to s. 456.057, F.S., in
2399 a reference thereto; providing an appropriation;
2400 providing effective dates.