

1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; defining the term "legal father" and redefining
4 the term "parent"; amending s. 39.202, F.S.; providing
5 that confidential records held by the department
6 concerning reports of child abandonment, abuse, or
7 neglect, including reports made to the central abuse
8 hotline and all records generated as a result of such
9 reports, may be accessed for employment screening of
10 residential group home caregivers; amending s. 39.301,
11 F.S.; requiring a safety plan to be issued for a
12 perpetrator of domestic violence only if the
13 perpetrator can be located; specifying what
14 constitutes reasonable efforts; requiring that a child
15 new to a family under investigation be added to the
16 investigation and assessed for safety; amending s.
17 39.302, F.S.; conforming a cross-reference; providing
18 that central abuse hotline information may be used for
19 certain employment screenings; amending s. 39.402,
20 F.S.; requiring a court to inquire as to the identity
21 and location of a child's legal father at the shelter
22 hearing; specifying what types of information fall
23 within the scope of such inquiry; amending s. 39.503,
24 F.S.; requiring a court to conduct under oath the
25 inquiry to determine the identity or location of an

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

51 providing supervision requirements after
52 reunification; amending s. 39.522, F.S.; providing
53 conditions for returning a child home with an in-home
54 safety plan; amending s. 39.6011, F.S.; providing
55 requirements for confidential information in a case
56 planning conference; providing restrictions; amending
57 s. 39.6012, F.S.; providing for assessment and program
58 compliance for a parent who caused harm to a child by
59 exposing the child to a controlled substance; amending
60 s. 39.6221, F.S.; providing that relocation
61 requirements for parents in dissolution proceedings do
62 not apply to permanent guardianships; amending s.
63 39.701, F.S.; providing safety assessment requirements
64 for children coming into a home under court
65 jurisdiction; granting rulemaking authority; amending
66 s. 39.801, F.S.; providing an exception to the notice
67 requirement regarding the advisory hearing for a
68 petition to terminate parental rights; amending s.
69 39.803, F.S.; requiring a court to conduct under oath
70 the inquiry to determine the identity or location of
71 an unknown parent after the filing of a termination of
72 parental rights petition; requiring a court to seek
73 additional information relating to a legal father's
74 identity in such inquiry; revising minimum
75 requirements for the diligent search to determine the

76 location of a parent or prospective parent;
77 authorizing the court to order scientific testing to
78 determine parentage if certain conditions exist;
79 amending s. 39.806, F.S.; revising circumstances under
80 which grounds for the termination of parental rights
81 may be established; amending s. 39.811, F.S.; revising
82 circumstances under which the rights of one parent may
83 be terminated without terminating the rights of the
84 other parent; amending s. 395.3025, F.S.; revising
85 requirements for access to patient records; amending
86 s. 402.40, F.S.; defining the term "child welfare
87 trainer"; providing rulemaking authority; amending s.
88 456.057, F.S.; revising requirements for access to
89 patient records; repealing s. 409.141, F.S., relating
90 to equitable reimbursement methodology; repealing s.
91 409.1677, F.S., relating to model comprehensive
92 residential services programs; amending ss. 39.524,
93 394.495, 409.1678, and 960.065, F.S.; conforming
94 cross-references; amending ss. 409.1679 and 1002.3305,
95 F.S.; conforming provisions to changes made by the
96 act; reenacting s. 483.181(2), F.S., relating to
97 acceptance, collection, identification, and
98 examination of specimens, to incorporate the amendment
99 made to s. 456.057, F.S., in a reference thereto;
100 providing an effective date.

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

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

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

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

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

(35) "Legal father" means a man married to the mother at the time of conception or birth of their child, unless paternity has been otherwise determined by a court of competent jurisdiction. If no man was married to the mother at the time of

126 birth or conception of the child, the term "legal father" means
127 a man named on the birth certificate of the child pursuant to s.
128 382.013(2), a man determined by a court order to be the father
129 of the child, or a man determined by an administrative
130 proceeding to be the father of the child.

131 ~~(50)~~ ~~(49)~~ "Parent" means a woman who gives birth to a child
132 and a man whose consent to the adoption of the child would be
133 required under s. 63.062(1). "Parent" also means a man married
134 to the mother at the time of conception or birth of their child,
135 unless paternity has been otherwise determined by a court of
136 competent jurisdiction. If no man was married to the mother at
137 the time of birth or conception of the child, the term "legal
138 father" means a man named on the birth certificate of the child
139 pursuant to s. 382.013(2), a man determined by court order to be
140 the father of the child, or a man determined by an
141 administrative proceeding to be the father of the child. If a
142 child has been legally adopted, the term "parent" means the
143 adoptive mother or father of the child. For purposes of this
144 chapter only, when the phrase "parent or legal custodian" is
145 used, it refers to rights or responsibilities of the parent and,
146 only if there is no living parent with intact parental rights,
147 to the rights or responsibilities of the legal custodian who has
148 assumed the role of the parent. The term does not include an
149 individual whose parental relationship to the child has been
150 legally terminated, or an alleged or prospective parent, unless:

151 (a) The parental status falls within the terms of s.
 152 39.503(1) or s. 63.062(1); or

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

155 Section 2. Paragraph (a) of subsection (2) of section
 156 39.202, Florida Statutes, is amended to read:

157 39.202 Confidentiality of reports and records in cases of
 158 child abuse or neglect.—

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

163 (a) Employees, authorized agents, or contract providers of
 164 the department, the Department of Health, the Agency for Persons
 165 with Disabilities, the Office of Early Learning, or county
 166 agencies responsible for carrying out:

- 167 1. Child or adult protective investigations;
- 168 2. Ongoing child or adult protective services;
- 169 3. Early intervention and prevention services;
- 170 4. Healthy Start services;
- 171 5. Licensure or approval of adoptive homes, foster homes,
 172 child care facilities, facilities licensed under chapter 393,
 173 family day care homes, providers who receive school readiness
 174 funding under part VI of chapter 1002, or other homes used to
 175 provide for the care and welfare of children; ~~or~~

176 6. Employment screening for caregivers in residential
 177 group homes; or

178 ~~7.6.~~ Services for victims of domestic violence when
 179 provided by certified domestic violence centers working at the
 180 department's request as case consultants or with shared clients.

181
 182 Also, employees or agents of the Department of Juvenile Justice
 183 responsible for the provision of services to children, pursuant
 184 to chapters 984 and 985.

185 Section 3. Paragraph (a) of subsection (9) of section
 186 39.301, Florida Statutes, is amended, and subsection (23) is
 187 added to that section, to read:

188 39.301 Initiation of protective investigations.—

189 (9) (a) For each report received from the central abuse
 190 hotline and accepted for investigation, the department or the
 191 sheriff providing child protective investigative services under
 192 s. 39.3065, shall perform the following child protective
 193 investigation activities to determine child safety:

194 1. Conduct a review of all relevant, available information
 195 specific to the child and family and alleged maltreatment;
 196 family child welfare history; local, state, and federal criminal
 197 records checks; and requests for law enforcement assistance
 198 provided by the abuse hotline. Based on a review of available
 199 information, including the allegations in the current report, a
 200 determination shall be made as to whether immediate consultation

201 should occur with law enforcement, the child protection team, a
202 domestic violence shelter or advocate, or a substance abuse or
203 mental health professional. Such consultations should include
204 discussion as to whether a joint response is necessary and
205 feasible. A determination shall be made as to whether the person
206 making the report should be contacted before the face-to-face
207 interviews with the child and family members.

208 2. Conduct face-to-face interviews with the child; other
209 siblings, if any; and the parents, legal custodians, or
210 caregivers.

211 3. Assess the child's residence, including a determination
212 of the composition of the family and household, including the
213 name, address, date of birth, social security number, sex, and
214 race of each child named in the report; any siblings or other
215 children in the same household or in the care of the same
216 adults; the parents, legal custodians, or caregivers; and any
217 other adults in the same household.

218 4. Determine whether there is any indication that any
219 child in the family or household has been abused, abandoned, or
220 neglected; the nature and extent of present or prior injuries,
221 abuse, or neglect, and any evidence thereof; and a determination
222 as to the person or persons apparently responsible for the
223 abuse, abandonment, or neglect, including the name, address,
224 date of birth, social security number, sex, and race of each
225 such person.

226 5. Complete assessment of immediate child safety for each
227 child based on available records, interviews, and observations
228 with all persons named in subparagraph 2. and appropriate
229 collateral contacts, which may include other professionals. The
230 department's child protection investigators are hereby
231 designated a criminal justice agency for the purpose of
232 accessing criminal justice information to be used for enforcing
233 this state's laws concerning the crimes of child abuse,
234 abandonment, and neglect. This information shall be used solely
235 for purposes supporting the detection, apprehension,
236 prosecution, pretrial release, posttrial release, or
237 rehabilitation of criminal offenders or persons accused of the
238 crimes of child abuse, abandonment, or neglect and may not be
239 further disseminated or used for any other purpose.

240 6. Document the present and impending dangers to each
241 child based on the identification of inadequate protective
242 capacity through utilization of a standardized safety assessment
243 instrument. If present or impending danger is identified, the
244 child protective investigator must implement a safety plan or
245 take the child into custody. If present danger is identified and
246 the child is not removed, the child protective investigator
247 shall create and implement a safety plan before leaving the home
248 or the location where there is present danger. If impending
249 danger is identified, the child protective investigator shall
250 create and implement a safety plan as soon as necessary to

251 protect the safety of the child. The child protective
252 investigator may modify the safety plan if he or she identifies
253 additional impending danger.

254 a. If the child protective investigator implements a
255 safety plan, the plan must be specific, sufficient, feasible,
256 and sustainable in response to the realities of the present or
257 impending danger. A safety plan may be an in-home plan or an
258 out-of-home plan, or a combination of both. A safety plan may
259 include tasks or responsibilities for a parent, caregiver, or
260 legal custodian. However, a safety plan may not rely on
261 promissory commitments by the parent, caregiver, or legal
262 custodian who is currently not able to protect the child or on
263 services that are not available or will not result in the safety
264 of the child. A safety plan may not be implemented if for any
265 reason the parents, guardian, or legal custodian lacks the
266 capacity or ability to comply with the plan. If the department
267 is not able to develop a plan that is specific, sufficient,
268 feasible, and sustainable, the department shall file a shelter
269 petition. A child protective investigator shall implement
270 separate safety plans for the perpetrator of domestic violence,
271 if the investigator is able to locate the perpetrator to
272 implement a safety plan, and for the parent who is a victim of
273 domestic violence as defined in s. 741.28. Reasonable efforts to
274 locate a perpetrator include, but are not limited to, a diligent
275 search pursuant to the same requirements as in s. 39.503. If the

276 perpetrator of domestic violence is not the parent, guardian, or
277 legal custodian of any child in the home and if the department
278 does not intend to file a shelter petition or dependency
279 petition that will assert allegations against the perpetrator as
280 a parent of a child in the home ~~the child~~, the child protective
281 investigator shall seek issuance of an injunction authorized by
282 s. 39.504 to implement a safety plan for the perpetrator and
283 impose any other conditions to protect the child. The safety
284 plan for the parent who is a victim of domestic violence may not
285 be shared with the perpetrator. If any party to a safety plan
286 fails to comply with the safety plan resulting in the child
287 being unsafe, the department shall file a shelter petition.

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

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

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

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

307 (IV) The parent or legal custodian or an adult currently
 308 living in or frequently visiting the home has been the subject
 309 of multiple allegations by reputable reports of abuse or
 310 neglect;

311 (V) The child is physically or developmentally disabled;
 312 or

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

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

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

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

326 39.302 Protective investigations of institutional child
327 abuse, abandonment, or neglect.—

328 (1) The department shall conduct a child protective
329 investigation of each report of institutional child abuse,
330 abandonment, or neglect. Upon receipt of a report that alleges
331 that an employee or agent of the department, or any other entity
332 or person covered by s. 39.01(32) or (48) ~~s. 39.01(32) or (47)~~,
333 acting in an official capacity, has committed an act of child
334 abuse, abandonment, or neglect, the department shall initiate a
335 child protective investigation within the timeframe established
336 under s. 39.201(5) and notify the appropriate state attorney,
337 law enforcement agency, and licensing agency, which shall
338 immediately conduct a joint investigation, unless independent
339 investigations are more feasible. When conducting investigations
340 or having face-to-face interviews with the child, investigation
341 visits shall be unannounced unless it is determined by the
342 department or its agent that unannounced visits threaten the
343 safety of the child. If a facility is exempt from licensing, the
344 department shall inform the owner or operator of the facility of
345 the report. Each agency conducting a joint investigation is
346 entitled to full access to the information gathered by the
347 department in the course of the investigation. A protective
348 investigation must include an interview with the child's parent
349 or legal guardian. The department shall make a full written
350 report to the state attorney within 3 working days after making

351 the oral report. A criminal investigation shall be coordinated,
352 whenever possible, with the child protective investigation of
353 the department. Any interested person who has information
354 regarding the offenses described in this subsection may forward
355 a statement to the state attorney as to whether prosecution is
356 warranted and appropriate. Within 15 days after the completion
357 of the investigation, the state attorney shall report the
358 findings to the department and shall include in the report a
359 determination of whether or not prosecution is justified and
360 appropriate in view of the circumstances of the specific case.

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

370 (a) However, if such a person is a licensee of the
371 department and is named in any capacity in three or more reports
372 within a 5-year period, the department may review those reports
373 and determine whether the information contained in the reports
374 is relevant for purposes of determining whether the person's
375 license should be renewed or revoked. If the information is

376 relevant to the decision to renew or revoke the license, the
 377 department may rely on the information contained in the report
 378 in making that decision.

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

384 Section 5. Paragraph (c) of subsection (8) of section
 385 39.402, Florida Statutes, is amended to read:

386 39.402 Placement in a shelter.-

387 (8)

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

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

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

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

399 4. Inquire of those present at the shelter hearing as to
 400 the identity and location of the legal father. In determining

401 who the legal father of the child may be, the court shall
402 inquire under oath of those present at the shelter hearing
403 whether they have any of the following information:

404 a. Whether the mother of the child was married at the
405 probable time of conception of the child or at the time of birth
406 of the child.

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

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

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

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

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

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

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

425 Section 6. Subsections (1), (6), and (8) of section

426 39.503, Florida Statutes, are amended, subsection (9) is added
427 to that section, and subsection (7) of that section is
428 republished, to read:

429 39.503 Identity or location of parent unknown; special
430 procedures.—

431 (1) If the identity or location of a parent is unknown and
432 a petition for dependency or shelter is filed, the court shall
433 conduct under oath the following inquiry of the parent or legal
434 custodian who is available, or, if no parent or legal custodian
435 is available, of any relative or custodian of the child who is
436 present at the hearing and likely to have any of the following
437 information:

438 (a) Whether the mother of the child was married at the
439 probable time of conception of the child or at the time of birth
440 of the child.

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

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

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

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

451 the time of or since conception of the child, or in which the
452 child has resided or resides.

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

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

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

459 (6) The diligent search required by subsection (5) must
460 include, at a minimum, inquiries of all relatives of the parent
461 or prospective parent made known to the petitioner, inquiries of
462 all offices of program areas of the department likely to have
463 information about the parent or prospective parent, inquiries of
464 other state and federal agencies likely to have information
465 about the parent or prospective parent, inquiries of appropriate
466 utility and postal providers, a thorough search of at least one
467 electronic database specifically designed for locating persons,
468 a search of the Florida Putative Father Registry, and inquiries
469 of appropriate law enforcement agencies. Pursuant to s. 453 of
470 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,
471 as the state agency administering Titles IV-B and IV-E of the
472 act, shall be provided access to the federal and state parent
473 locator service for diligent search activities.

474 (7) Any agency contacted by a petitioner with a request
475 for information pursuant to subsection (6) shall release the

476 requested information to the petitioner without the necessity of
477 a subpoena or court order.

478 (8) If the inquiry and diligent search identifies a
479 prospective parent, that person must be given the opportunity to
480 become a party to the proceedings by completing a sworn
481 affidavit of parenthood and filing it with the court or the
482 department. A prospective parent who files a sworn affidavit of
483 parenthood while the child is a dependent child but no later
484 than at the time of or before ~~prior to~~ the adjudicatory hearing
485 in any termination of parental rights proceeding for the child
486 shall be considered a parent for all purposes under this section
487 unless the other parent contests the determination of
488 parenthood. If the prospective parent does not file a sworn
489 affidavit of parenthood or if the other parent contests the
490 determination of parenthood, the court may, after considering
491 the best interest of the child, order scientific testing to
492 determine the maternity or paternity of the child. The court
493 shall assess the cost of the maternity or paternity
494 determination as a cost of litigation. If the court finds the
495 prospective parent to be a parent as a result of the scientific
496 testing, the court shall enter a judgment of maternity or
497 paternity, shall assess the cost of the scientific testing to
498 the parent, and shall enter an amount of child support to be
499 paid by the parent as determined under s. 61.30. If the known
500 parent contests the recognition of the prospective parent as a

501 parent, the prospective parent shall not be recognized as a
502 parent until proceedings to determine maternity or paternity
503 ~~under chapter 742~~ have been concluded. However, the prospective
504 parent shall continue to receive notice of hearings as a
505 participant until pending results of the chapter 742 proceedings
506 to determine maternity or paternity have been concluded.

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

510 Section 7. Section 39.504, Florida Statutes, is amended to
511 read:

512 39.504 Injunction ~~pending disposition of petition;~~
513 penalty.-

514 (1) At any time after a protective investigation has been
515 initiated pursuant to part III of this chapter, the court, upon
516 the request of the department, a law enforcement officer, the
517 state attorney, or other responsible person, or upon its own
518 motion, may, if there is reasonable cause, issue an injunction
519 to prevent any act of child abuse. Reasonable cause for the
520 issuance of an injunction exists if there is evidence of child
521 abuse or if there is a reasonable likelihood of such abuse
522 occurring based upon a recent overt act or failure to act. If
523 there is a pending dependency proceeding regarding the child
524 whom the injunction is sought to protect, the judge hearing the
525 dependency proceeding must also hear the injunction proceeding

526 regarding the child.

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

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

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

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

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

- 568 1. Refrain from further abuse or acts of domestic
569 violence.
- 570 2. Participate in a specialized treatment program.
- 571 3. Limit contact or communication with the child victim,
572 other children in the home, or any other child.
- 573 4. Refrain from contacting the child at home, school,
574 work, or wherever the child may be found.
- 575 5. Have limited or supervised visitation with the child.

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

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

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

581 1. Exclusive use and possession of the dwelling to the
582 caregiver or exclusion of the alleged or actual offender from
583 the residence of the caregiver.

584 2. Temporary support for the child or other family
585 members.

586 3. The costs of medical, psychiatric, and psychological
587 treatment for the child incurred due to the abuse, and similar
588 costs for other family members.

589
590 This paragraph does not preclude an adult victim of domestic
591 violence from seeking protection for himself or herself under s.
592 741.30.

593 (c) The terms of the final injunction shall remain in
594 effect until modified or dissolved by the court. The petitioner,
595 respondent, or caregiver may move at any time to modify or
596 dissolve the injunction. Notice of hearing on the motion to
597 modify or dissolve the injunction must be provided to all
598 parties, including the department. The injunction is valid and
599 enforceable in all counties in the state.

600 (5) Service of process on the respondent shall be carried

601 out pursuant to s. 741.30. The department shall deliver a copy
602 of any injunction issued pursuant to this section to the
603 protected party or to a parent, caregiver, or individual acting
604 in the place of a parent who is not the respondent. Law
605 enforcement officers may exercise their arrest powers as
606 provided in s. 901.15(6) to enforce the terms of the injunction.

607 (6) Any person who fails to comply with an injunction
608 issued pursuant to this section commits a misdemeanor of the
609 first degree, punishable as provided in s. 775.082 or s.
610 775.083.

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

614 Section 8. Paragraph (b) of subsection (7) of section
615 39.507, Florida Statutes, is amended to read:

616 39.507 Adjudicatory hearings; orders of adjudication.—

617 (7)

618 (b) However, the court must determine whether each parent
619 or legal custodian identified in the case abused, abandoned, or
620 neglected the child or engaged in conduct that placed the child
621 at substantial risk of imminent abuse, abandonment, or neglect
622 in a subsequent evidentiary hearing. If a second parent is
623 served and brought into the proceeding after the adjudication,
624 and an ~~the~~ evidentiary hearing for the second parent is
625 conducted subsequent to the adjudication of the child, the court

626 shall supplement the adjudicatory order, disposition order, and
 627 the case plan, as necessary. The petitioner is not required to
 628 prove actual harm or actual abuse by the second parent in order
 629 for the court to make supplemental findings regarding the
 630 conduct of the second parent. The court is not required to
 631 conduct an evidentiary hearing for the second parent in order to
 632 supplement the adjudicatory order, the disposition order, and
 633 the case plan if the requirements of s. 39.506(3) or (5) are
 634 satisfied. With the exception of proceedings pursuant to s.
 635 39.811, the child's dependency status may not be retried or
 636 readjudicated.

637 Section 9. Paragraph (a) of subsection (2) of section
 638 39.5085, Florida Statutes, is amended to read:

639 39.5085 Relative Caregiver Program.—

640 (2) (a) The Department of Children and Families shall
 641 establish, ~~and operate,~~ and implement the Relative Caregiver
 642 Program ~~pursuant to eligibility guidelines established in this~~
 643 ~~section as further implemented~~ by rule of the department. The
 644 Relative Caregiver Program shall, within the limits of available
 645 funding, provide financial assistance to:

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

651 with the relative under this chapter.

652 2. Relatives who are within the fifth degree by blood or
653 marriage to the parent or stepparent of a child and who are
654 caring full-time for that dependent child, and a dependent half-
655 brother or half-sister of that dependent child, in the role of
656 substitute parent as a result of a court's determination of
657 child abuse, neglect, or abandonment and subsequent placement
658 with the relative under this chapter.

659 3. Nonrelatives who are willing to assume custody and care
660 of a dependent child in the role of substitute parent as a
661 result of a court's determination of child abuse, neglect, or
662 abandonment and subsequent placement with the nonrelative
663 caregiver under this chapter. The court must find that a
664 proposed placement under this subparagraph is in the best
665 interest of the child.

666 4. The relative or nonrelative caregiver may not receive a
667 Relative Caregiver Program payment if the parent or stepparent
668 of the child resides in the home. However, a relative or
669 nonrelative may receive the Relative Caregiver Program payment
670 for a minor parent who is in his or her care, as well as for the
671 minor parent's child, if both children have been adjudicated
672 dependent and meet all other eligibility requirements. If the
673 caregiver is currently receiving the payment, the Relative
674 Caregiver Program payment must be terminated no later than the
675 first of the following month after the parent or stepparent

676 moves into the home, allowing for 10-day notice of adverse
677 action.

678
679 The placement may be court-ordered temporary legal custody to
680 the relative or nonrelative under protective supervision of the
681 department pursuant to s. 39.521(1)(c)3. ~~s. 39.521(1)(b)3.~~, or
682 court-ordered placement in the home of a relative or nonrelative
683 as a permanency option under s. 39.6221 or s. 39.6231 or under
684 former s. 39.622 if the placement was made before July 1, 2006.
685 The Relative Caregiver Program shall offer financial assistance
686 to caregivers who would be unable to serve in that capacity
687 without the caregiver payment because of financial burden, thus
688 exposing the child to the trauma of placement in a shelter or in
689 foster care.

690 Section 10. Subsections (1), (2), (6), and (7) of section
691 39.521, Florida Statutes, are amended to read:

692 39.521 Disposition hearings; powers of disposition.—

693 (1) A disposition hearing shall be conducted by the court,
694 if the court finds that the facts alleged in the petition for
695 dependency were proven in the adjudicatory hearing, or if the
696 parents or legal custodians have consented to the finding of
697 dependency or admitted the allegations in the petition, have
698 failed to appear for the arraignment hearing after proper
699 notice, or have not been located despite a diligent search
700 having been conducted.

701 (a) A written case plan and a family functioning
702 assessment ~~predisposition study~~ prepared by an authorized agent
703 of the department must be approved by ~~filed with~~ the court. The
704 department must file the case plan and the family functioning
705 assessment with the court, serve a copy of the case plan on,
706 ~~served upon~~ the parents of the child, and provide a copy of the
707 case plan ~~provided~~ to the representative of the guardian ad
708 litem program, if the program has been appointed, and provide a
709 copy ~~provided~~ to all other parties:

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

714 2. Not less than 72 hours before the case plan acceptance
715 hearing, if the disposition hearing occurs before the 60th day
716 after the date the child was placed in out-of-home care and a
717 case plan has not been submitted pursuant to this paragraph, or
718 if the court does not approve the case plan at the disposition
719 hearing. The case plan acceptance hearing must occur ~~the court~~
720 ~~must set a hearing~~ within 30 days after the disposition hearing
721 to review and approve the case plan.

722 (b) The court may grant an exception to the requirement
723 for a family functioning assessment ~~predisposition study~~ by
724 separate order or within the judge's order of disposition upon
725 finding that all the family and child information required by

726 subsection (2) is available in other documents filed with the
727 court.

728 ~~(c)-(b)~~ When any child is adjudicated by a court to be
729 dependent, the court having jurisdiction of the child has the
730 power by order to:

731 1. Require the parent and, when appropriate, the legal
732 custodian and the child to participate in treatment and services
733 identified as necessary. The court may require the person who
734 has custody or who is requesting custody of the child to submit
735 to a mental health or substance abuse disorder assessment or
736 evaluation. The order may be made only upon good cause shown and
737 pursuant to notice and procedural requirements provided under
738 the Florida Rules of Juvenile Procedure. The mental health
739 assessment or evaluation must be administered by a qualified
740 professional as defined in s. 39.01, and the substance abuse
741 assessment or evaluation must be administered by a qualified
742 professional as defined in s. 397.311. The court may also
743 require such person to participate in and comply with treatment
744 and services identified as necessary, including, when
745 appropriate and available, participation in and compliance with
746 a mental health court program established under chapter 394 or a
747 treatment-based drug court program established under s. 397.334.
748 Adjudication of a child as dependent based upon evidence of harm
749 as defined in s. 39.01(30)(g) demonstrates good cause, and the
750 court shall require the parent whose actions caused the harm to

751 submit to a substance abuse disorder assessment or evaluation
752 and to participate and comply with treatment and services
753 identified in the assessment or evaluation as being necessary.

754 In addition to supervision by the department, the court,
755 including the mental health court program or the treatment-based
756 drug court program, may oversee the progress and compliance with
757 treatment by a person who has custody or is requesting custody
758 of the child. The court may impose appropriate available
759 sanctions for noncompliance upon a person who has custody or is
760 requesting custody of the child or make a finding of
761 noncompliance for consideration in determining whether an
762 alternative placement of the child is in the child's best
763 interests. Any order entered under this subparagraph may be made
764 only upon good cause shown. This subparagraph does not authorize
765 placement of a child with a person seeking custody of the child,
766 other than the child's parent or legal custodian, who requires
767 mental health or substance abuse disorder treatment.

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

770 3. Require placement of the child either under the
771 protective supervision of an authorized agent of the department
772 in the home of one or both of the child's parents or in the home
773 of a relative of the child or another adult approved by the
774 court, or in the custody of the department. Protective
775 supervision continues until the court terminates it or until the

776 child reaches the age of 18, whichever date is first. Protective
777 supervision shall be terminated by the court whenever the court
778 determines that permanency has been achieved for the child,
779 whether with a parent, another relative, or a legal custodian,
780 and that protective supervision is no longer needed. The
781 termination of supervision may be with or without retaining
782 jurisdiction, at the court's discretion, and shall in either
783 case be considered a permanency option for the child. The order
784 terminating supervision by the department must set forth the
785 powers of the custodian of the child and include the powers
786 ordinarily granted to a guardian of the person of a minor unless
787 otherwise specified. Upon the court's termination of supervision
788 by the department, further judicial reviews are not required if
789 permanency has been established for the child.

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

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

- 799 1. The placement or custody of the child.
800 2. Special conditions of placement and visitation.

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

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

805 5. Continuation or discharge of the guardian ad litem, as
806 appropriate.

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

809 a. Ninety days after the disposition hearing;

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

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

812 or

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

816 7. If the child is in an out-of-home placement, child
817 support to be paid by the parents, or the guardian of the
818 child's estate if possessed of assets which under law may be
819 disbursed for the care, support, and maintenance of the child.
820 The court may exercise jurisdiction over all child support
821 matters, shall adjudicate the financial obligation, including
822 health insurance, of the child's parents or guardian, and shall
823 enforce the financial obligation as provided in chapter 61. The
824 state's child support enforcement agency shall enforce child
825 support orders under this section in the same manner as child

826 support orders under chapter 61. Placement of the child shall
 827 not be contingent upon issuance of a support order.

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

837 b. If no suitable relative is found and the child is
 838 placed with the department or a legal custodian or other adult
 839 approved by the court, both the department and the court shall
 840 consider transferring temporary legal custody to an adult
 841 relative approved by the court at a later date, but neither the
 842 department nor the court is obligated to so place the child if
 843 it is in the child's best interest to remain in the current
 844 placement.

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

850 9. Other requirements necessary to protect the health,

851 safety, and well-being of the child, to preserve the stability
852 of the child's educational placement, and to promote family
853 preservation or reunification whenever possible.

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

865 (g)-(f) If the court places the child in an out-of-home
866 placement, the disposition order must include a written
867 determination that the child cannot safely remain at home with
868 an in-home safety plan ~~reunification or family preservation~~
869 ~~services~~ and that removal of the child is necessary to protect
870 the child. If the child is removed before the disposition
871 hearing, the order must also include a written determination as
872 to whether, after removal, the department made a reasonable
873 effort to reunify the parent and child. Reasonable efforts to
874 reunify are not required if the court finds that any of the acts
875 listed in s. 39.806(1)(f)-(l) have occurred. The department has

876 the burden of demonstrating that it made reasonable efforts.

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

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

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

886 b. If an in-home safety plan was ~~prevention or~~
887 ~~reunification efforts were~~ indicated, include a brief written
888 description of what appropriate and available safety management
889 services ~~prevention and reunification efforts~~ were initiated
890 ~~made.~~

891 c. Indicate in writing why further efforts could or could
892 not have prevented or shortened the separation of the parent and
893 child.

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

896 a. The first contact of the department with the family
897 occurs during an emergency;

898 b. The department's assessment ~~appraisal by the department~~
899 of the home situation indicates a substantial and immediate
900 danger to the child's safety or physical, mental, or emotional

901 health which cannot be mitigated by the provision of safety
902 management ~~preventive~~ services;

903 c. The child cannot safely remain at home, because there
904 are no safety management ~~preventive~~ services that can ensure the
905 health and safety of the child or, even with appropriate and
906 available services being provided, the health and safety of the
907 child cannot be ensured; or

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

911 4. A reasonable effort by the department for reunification
912 has been made if the appraisal of the home situation by the
913 department indicates that the severity of the conditions of
914 dependency is such that reunification efforts are inappropriate.
915 The department has the burden of demonstrating to the court that
916 reunification efforts were inappropriate.

917 5. If the court finds that the provision of safety
918 management services by ~~prevention or reunification effort~~ of the
919 department would not have permitted the child to remain safely
920 at home, the court may commit the child to the temporary legal
921 custody of the department or take any other action authorized by
922 this chapter.

923 (2) The family functioning assessment ~~predisposition study~~
924 must provide the court with the following documented
925 information:

- 926 (a) Evidence of maltreatment and the circumstances
927 accompanying the maltreatment.
- 928 (b) Identification of all danger threats active in the
929 home.
- 930 (c) An assessment of the adult functioning of the parents.
- 931 (d) An assessment of general parenting practices and the
932 parent's disciplinary approach and behavior management methods.
- 933 (e) An assessment of the parent's behavioral, emotional,
934 and cognitive protective capacities.
- 935 (f) An assessment of child functioning.
- 936 (g) A safety analysis describing the capacity for an in-
937 home safety plan to control the conditions that result in the
938 child being unsafe and the specific actions necessary to keep
939 the child safe.
- 940 (h) Identification of the conditions for return which
941 would allow the child to be placed safely back into the home
942 with an in-home safety plan and any safety management services
943 necessary to ensure the child's safety.
- 944 ~~(a) The capacity and disposition of the parents to provide~~
945 ~~the child with food, clothing, medical care, or other remedial~~
946 ~~care recognized and permitted under the laws of this state in~~
947 ~~lieu of medical care, and other material needs.~~
- 948 ~~(b) The length of time the child has lived in a stable,~~
949 ~~satisfactory environment and the desirability of maintaining~~
950 ~~continuity.~~

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

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

977 (m)~~(n)~~ A listing of appropriate and available safety
 978 management ~~prevention and reunification~~ services for the parent
 979 and child to prevent the removal of the child from the home or
 980 to reunify the child with the parent after removal, ~~including~~
 981 ~~the availability of family preservation services~~ and an
 982 explanation of the following:

- 983 1. If the services were or were not provided.
- 984 2. If the services were provided, the outcome of the
 985 services.
- 986 3. If the services were not provided, why they were not
 987 provided.
- 988 4. If the services are currently being provided and if
 989 they need to be continued.

990 ~~(o)~~ ~~A listing of other prevention and reunification~~
 991 ~~services that were available but determined to be inappropriate~~
 992 ~~and why.~~

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

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

998 (o)~~(r)~~ If the child has been removed from the home and
 999 will be remaining with a relative, parent, or other adult
 1000 approved by the court, a home study report concerning the

1001 proposed placement shall be provided to the court ~~included in~~
1002 ~~the predisposition report~~. Before recommending to the court any
1003 out-of-home placement for a child other than placement in a
1004 licensed shelter or foster home, the department shall conduct a
1005 study of the home of the proposed legal custodians, which must
1006 include, at a minimum:

1007 1. An interview with the proposed legal custodians to
1008 assess their ongoing commitment and ability to care for the
1009 child.

1010 2. Records checks through the State Automated Child
1011 Welfare Information System (SACWIS), and local and statewide
1012 criminal and juvenile records checks through the Department of
1013 Law Enforcement, on all household members 12 years of age or
1014 older. In addition, the fingerprints of any household members
1015 who are 18 years of age or older may be submitted to the
1016 Department of Law Enforcement for processing and forwarding to
1017 the Federal Bureau of Investigation for state and national
1018 criminal history information. The department has the discretion
1019 to request State Automated Child Welfare Information System
1020 (SACWIS) and local, statewide, and national criminal history
1021 checks and fingerprinting of any other visitor to the home who
1022 is made known to the department. Out-of-state criminal records
1023 checks must be initiated for any individual who has resided in a
1024 state other than Florida if that state's laws allow the release
1025 of these records. The out-of-state criminal records must be

1026 | filed with the court within 5 days after receipt by the
 1027 | department or its agent.

1028 | 3. An assessment of the physical environment of the home.

1029 | 4. A determination of the financial security of the
 1030 | proposed legal custodians.

1031 | 5. A determination of suitable child care arrangements if
 1032 | the proposed legal custodians are employed outside of the home.

1033 | 6. Documentation of counseling and information provided to
 1034 | the proposed legal custodians regarding the dependency process
 1035 | and possible outcomes.

1036 | 7. Documentation that information regarding support
 1037 | services available in the community has been provided to the
 1038 | proposed legal custodians.

1039 | 8. The reasonable preference of the child, if the court
 1040 | deems the child to be of sufficient intelligence, understanding,
 1041 | and experience to express a preference.

1042 |
 1043 | The department may not place the child or continue the placement
 1044 | of the child in a home under shelter or postdisposition
 1045 | placement if the results of the home study are unfavorable,
 1046 | unless the court finds that this placement is in the child's
 1047 | best interest.

1048 |

(p)~~(s)~~ If the child has been removed from the home, a
 1049 | determination of the amount of child support each parent will be
 1050 | required to pay pursuant to s. 61.30.

1051 ~~(t) If placement of the child with anyone other than the~~
1052 ~~child's parent is being considered, the predisposition study~~
1053 ~~shall include the designation of a specific length of time as to~~
1054 ~~when custody by the parent will be reconsidered.~~

1055
1056 Any other relevant and material evidence, including other
1057 written or oral reports, may be received by the court in its
1058 effort to determine the action to be taken with regard to the
1059 child and may be relied upon to the extent of its probative
1060 value, even though not competent in an adjudicatory hearing.
1061 Except as otherwise specifically provided, nothing in this
1062 section prohibits the publication of proceedings in a hearing.

1063 (6) With respect to a child who is the subject in
1064 proceedings under this chapter, the court may issue to the
1065 department an order to show cause why it should not return the
1066 child to the custody of the parents upon the presentation of
1067 evidence that the conditions for return of the child have been
1068 met ~~expiration of the case plan, or sooner if the parents have~~
1069 ~~substantially complied with the case plan.~~

1070 (7) The court may enter an order ending its jurisdiction
1071 over a child when a child has been returned to the parents,
1072 provided the court shall not terminate its jurisdiction or the
1073 department's supervision over the child until 6 months after the
1074 child's return. The department shall supervise the placement of
1075 the child after reunification for at least 6 months with each

1076 parent or legal custodian from whom the child was removed. The
1077 court shall determine whether its jurisdiction should be
1078 continued or terminated in such a case based on a report of the
1079 department or agency or the child's guardian ad litem, and any
1080 other relevant factors; if its jurisdiction is to be terminated,
1081 the court shall enter an order to that effect.

1082 Section 11. Subsections (2) and (3) of section 39.522,
1083 Florida Statutes, are amended to read:

1084 39.522 Postdisposition change of custody.—The court may
1085 change the temporary legal custody or the conditions of
1086 protective supervision at a postdisposition hearing, without the
1087 necessity of another adjudicatory hearing.

1088 (2) In cases where the issue before the court is whether a
1089 child should be reunited with a parent, the court shall review
1090 the conditions for return and determine whether the
1091 circumstances that caused the out-of-home placement and issues
1092 subsequently identified have been remedied ~~parent has~~
1093 ~~substantially complied with the terms of the case plan to the~~
1094 extent that the return of the child to the home with an in-home
1095 safety plan prepared or approved by the department will not be
1096 detrimental to the child's safety, well-being, and physical,
1097 mental, and emotional health ~~of the child is not endangered by~~
1098 ~~the return of the child to the home.~~

1099 (3) In cases where the issue before the court is whether a
1100 child who is placed in the custody of a parent should be

1101 reunited with the other parent upon a finding that the
1102 circumstances that caused the out-of-home placement and issues
1103 subsequently identified have been remedied to the extent that
1104 the return of the child to the home of the other parent with an
1105 in-home safety plan prepared or approved by the department will
1106 not be detrimental to the child ~~of substantial compliance with~~
1107 ~~the terms of the case plan~~, the standard shall be that the
1108 safety, well-being, and physical, mental, and emotional health
1109 of the child would not be endangered by reunification and that
1110 reunification would be in the best interest of the child.

1111 Section 12. Subsection (1) of section 39.6011, Florida
1112 Statutes, is amended to read:

1113 39.6011 Case plan development.—

1114 (1) The department shall prepare a draft of the case plan
1115 for each child receiving services under this chapter. A parent
1116 of a child may not be threatened or coerced with the loss of
1117 custody or parental rights for failing to admit in the case plan
1118 of abusing, neglecting, or abandoning a child. Participating in
1119 the development of a case plan is not an admission to any
1120 allegation of abuse, abandonment, or neglect, and it is not a
1121 consent to a finding of dependency or termination of parental
1122 rights. The case plan shall be developed subject to the
1123 following requirements:

1124 (a) The case plan must be developed in a face-to-face
1125 conference with the parent of the child, any court-appointed

1126 guardian ad litem, and, if appropriate, the child and the
1127 temporary custodian of the child.

1128 (b) Notwithstanding s. 39.202, the department may discuss
1129 confidential information during the case planning conference in
1130 the presence of individuals who participate in the conference.
1131 All individuals who participate in the conference shall maintain
1132 the confidentiality of all information shared during the case
1133 planning conference.

1134 (c)~~(b)~~ The parent may receive assistance from any person
1135 or social service agency in preparing the case plan. The social
1136 service agency, the department, and the court, when applicable,
1137 shall inform the parent of the right to receive such assistance,
1138 including the right to assistance of counsel.

1139 (d)~~(e)~~ If a parent is unwilling or unable to participate
1140 in developing a case plan, the department shall document that
1141 unwillingness or inability to participate. The documentation
1142 must be provided in writing to the parent when available for the
1143 court record, and the department shall prepare a case plan
1144 conforming as nearly as possible with the requirements set forth
1145 in this section. The unwillingness or inability of the parent to
1146 participate in developing a case plan does not preclude the
1147 filing of a petition for dependency or for termination of
1148 parental rights. The parent, if available, must be provided a
1149 copy of the case plan and be advised that he or she may, at any
1150 time before the filing of a petition for termination of parental

1151 rights, enter into a case plan and that he or she may request
1152 judicial review of any provision of the case plan with which he
1153 or she disagrees at any court hearing set for the child.

1154 Section 13. Subsection (1) of section 39.6012, Florida
1155 Statutes, is amended to read:

1156 39.6012 Case plan tasks; services.—

1157 (1) The services to be provided to the parent and the
1158 tasks that must be completed are subject to the following:

1159 (a) The services described in the case plan must be
1160 designed to improve the conditions in the home and aid in
1161 maintaining the child in the home, facilitate the child's safe
1162 return to the home, ensure proper care of the child, or
1163 facilitate the child's permanent placement. The services offered
1164 must be the least intrusive possible into the life of the parent
1165 and child, must focus on clearly defined objectives, and must
1166 provide the most efficient path to quick reunification or
1167 permanent placement given the circumstances of the case and the
1168 child's need for safe and proper care.

1169 (b) The case plan must describe each of the tasks with
1170 which the parent must comply and the services to be provided to
1171 the parent, specifically addressing the identified problem,
1172 including:

- 1173 1. The type of services or treatment.
- 1174 2. The date the department will provide each service or
1175 referral for the service if the service is being provided by the

1176 department or its agent.

1177 3. The date by which the parent must complete each task.

1178 4. The frequency of services or treatment provided. The
 1179 frequency of the delivery of services or treatment provided
 1180 shall be determined by the professionals providing the services
 1181 or treatment on a case-by-case basis and adjusted according to
 1182 their best professional judgment.

1183 5. The location of the delivery of the services.

1184 6. The staff of the department or service provider
 1185 accountable for the services or treatment.

1186 7. A description of the measurable objectives, including
 1187 the timeframes specified for achieving the objectives of the
 1188 case plan and addressing the identified problem.

1189 (c) If there is evidence of harm as defined in s.
 1190 39.01(30)(g), the case plan must include as a required task for
 1191 the parent whose actions caused the harm that the parent submit
 1192 to a substance abuse disorder assessment or evaluation and
 1193 participate and comply with treatment and services identified in
 1194 the assessment or evaluation as being necessary.

1195 Section 14. Subsection (7) is added to section 39.6221,
 1196 Florida Statutes, to read:

1197 39.6221 Permanent guardianship of a dependent child.—

1198 (7) The requirements of s. 61.13001 do not apply to
 1199 permanent guardianships established under this section.

1200 Section 15. Paragraph (h) is added to subsection (1) of

1201 section 39.701, Florida Statutes, to read:

1202 39.701 Judicial review.—

1203 (1) GENERAL PROVISIONS.—

1204 (h) If a child is born into a family that is under the
 1205 court's jurisdiction or a child moves into a home that is under
 1206 the court's jurisdiction, the department shall assess the
 1207 child's safety and provide notice to the court.

1208 1. The department shall complete an assessment to
 1209 determine how the addition of a child will impact family
 1210 functioning. The assessment must be completed at least 30 days
 1211 before a child is expected to be born or to move into a home, or
 1212 within 72 hours after the department learns of the pregnancy or
 1213 addition if the child is expected to be born or to move into the
 1214 home in less than 30 days. The assessment shall be filed with
 1215 the court.

1216 2. Once a child is born into a family or a child moves
 1217 into the home, the department shall complete a progress update
 1218 and file it with the court.

1219 3. The court has the discretion to hold a hearing on the
 1220 progress update filed by the department.

1221 4. The department shall adopt rules to implement this
 1222 subsection.

1223 Section 16. Subsection (3) of section 39.801, Florida
 1224 Statutes, is amended to read:

1225 39.801 Procedures and jurisdiction; notice; service of

1226 process.—

1227 (3) Before the court may terminate parental rights, in
 1228 addition to the other requirements set forth in this part, the
 1229 following requirements must be met:

1230 (a) Notice of the date, time, and place of the advisory
 1231 hearing for the petition to terminate parental rights and a copy
 1232 of the petition must be personally served upon the following
 1233 persons, specifically notifying them that a petition has been
 1234 filed:

- 1235 1. The parents of the child.
- 1236 2. The legal custodians of the child.
- 1237 3. If the parents who would be entitled to notice are dead
 1238 or unknown, a living relative of the child, unless upon diligent
 1239 search and inquiry no such relative can be found.
- 1240 4. Any person who has physical custody of the child.
- 1241 5. Any grandparent entitled to priority for adoption under
 1242 s. 63.0425.
- 1243 6. Any prospective parent who has been identified under s.
 1244 39.503 or s. 39.803, unless a court order has been entered
 1245 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which
 1246 indicates no further notice is required. Except as otherwise
 1247 provided in this section, if there is not a legal father, notice
 1248 of the petition for termination of parental rights must be
 1249 provided to any known prospective father who is identified under
 1250 oath before the court or who is identified by a diligent search

1251 of the Florida Putative Father Registry. Service of the notice
1252 of the petition for termination of parental rights may not be
1253 required if the prospective father executes an affidavit of
1254 nonpaternity or a consent to termination of his parental rights
1255 which is accepted by the court after notice and opportunity to
1256 be heard by all parties to address the best interests of the
1257 child in accepting such affidavit.

1258 7. The guardian ad litem for the child or the
1259 representative of the guardian ad litem program, if the program
1260 has been appointed.

1261
1262 The document containing the notice to respond or appear must
1263 contain, in type at least as large as the type in the balance of
1264 the document, the following or substantially similar language:

1265 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
1266 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
1267 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
1268 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
1269 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
1270 NOTICE."

1271 (b) If a party required to be served with notice as
1272 prescribed in paragraph (a) cannot be served, notice of hearings
1273 must be given as prescribed by the rules of civil procedure, and
1274 service of process must be made as specified by law or civil
1275 actions.

1276 (c) Notice as prescribed by this section may be waived, in
 1277 the discretion of the judge, with regard to any person to whom
 1278 notice must be given under this subsection if the person
 1279 executes, before two witnesses and a notary public or other
 1280 officer authorized to take acknowledgments, a written surrender
 1281 of the child to a licensed child-placing agency or the
 1282 department.

1283 (d) If the person served with notice under this section
 1284 fails to personally appear at the advisory hearing, the failure
 1285 to personally appear shall constitute consent for termination of
 1286 parental rights by the person given notice. If a parent appears
 1287 for the advisory hearing and the court orders that parent to
 1288 personally appear at the adjudicatory hearing for the petition
 1289 for termination of parental rights, stating the date, time, and
 1290 location of said hearing, then failure of that parent to
 1291 personally appear at the adjudicatory hearing shall constitute
 1292 consent for termination of parental rights.

1293 Section 17. Section 39.803, Florida Statutes, is amended,
 1294 to read:

1295 39.803 Identity or location of parent unknown after filing
 1296 of termination of parental rights petition; special procedures.—

1297 (1) If the identity or location of a parent is unknown and
 1298 a petition for termination of parental rights is filed, the
 1299 court shall conduct under oath the following inquiry of the
 1300 parent who is available, or, if no parent is available, of any

1301 relative, caregiver, or legal custodian of the child who is
1302 present at the hearing and likely to have the information:

1303 (a) Whether the mother of the child was married at the
1304 probable time of conception of the child or at the time of birth
1305 of the child.

1306 (b) Whether the mother was cohabiting with a male at the
1307 probable time of conception of the child.

1308 (c) Whether the mother has received payments or promises
1309 of support with respect to the child or because of her pregnancy
1310 from a man who claims to be the father.

1311 (d) Whether the mother has named any man as the father on
1312 the birth certificate of the child or in connection with
1313 applying for or receiving public assistance.

1314 (e) Whether any man has acknowledged or claimed paternity
1315 of the child in a jurisdiction in which the mother resided at
1316 the time of or since conception of the child, or in which the
1317 child has resided or resides.

1318 (f) Whether a man is named on the birth certificate of the
1319 child pursuant to s. 382.013(2).

1320 (g) Whether a man has been determined by a court order to
1321 be the father of the child.

1322 (h) Whether a man has been determined by an administrative
1323 proceeding to be the father of the child.

1324 (2) The information required in subsection (1) may be
1325 supplied to the court or the department in the form of a sworn

1326 affidavit by a person having personal knowledge of the facts.

1327 (3) If the inquiry under subsection (1) identifies any
1328 person as a parent or prospective parent, the court shall
1329 require notice of the hearing to be provided to that person.

1330 (4) If the inquiry under subsection (1) fails to identify
1331 any person as a parent or prospective parent, the court shall so
1332 find and may proceed without further notice.

1333 (5) If the inquiry under subsection (1) identifies a
1334 parent or prospective parent, and that person's location is
1335 unknown, the court shall direct the petitioner to conduct a
1336 diligent search for that person before scheduling an
1337 adjudicatory hearing regarding the petition for termination of
1338 parental rights to the child unless the court finds that the
1339 best interest of the child requires proceeding without actual
1340 notice to the person whose location is unknown.

1341 (6) The diligent search required by subsection (5) must
1342 include, at a minimum, inquiries of all known relatives of the
1343 parent or prospective parent, inquiries of all offices of
1344 program areas of the department likely to have information about
1345 the parent or prospective parent, inquiries of other state and
1346 federal agencies likely to have information about the parent or
1347 prospective parent, inquiries of appropriate utility and postal
1348 providers, a thorough search of at least one electronic database
1349 specifically designed for locating persons, a search of the
1350 Florida Putative Father Registry, and inquiries of appropriate

1351 law enforcement agencies. Pursuant to s. 453 of the Social
1352 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the
1353 state agency administering Titles IV-B and IV-E of the act,
1354 shall be provided access to the federal and state parent locator
1355 service for diligent search activities.

1356 (7) Any agency contacted by petitioner with a request for
1357 information pursuant to subsection (6) shall release the
1358 requested information to the petitioner without the necessity of
1359 a subpoena or court order.

1360 (8) If the inquiry and diligent search identifies a
1361 prospective parent, that person must be given the opportunity to
1362 become a party to the proceedings by completing a sworn
1363 affidavit of parenthood and filing it with the court or the
1364 department. A prospective parent who files a sworn affidavit of
1365 parenthood while the child is a dependent child but no later
1366 than at the time of or before ~~prior to~~ the adjudicatory hearing
1367 in the termination of parental rights proceeding for the child
1368 shall be considered a parent for all purposes under this
1369 section. If the prospective parent does not file a sworn
1370 affidavit of parenthood or if the other parent contests the
1371 determination of parenthood, the court may, after considering
1372 the best interests of the child, order scientific testing to
1373 determine the maternity or paternity of the child. The court
1374 shall assess the cost of the paternity determination as a cost
1375 of litigation. If the court finds the prospective parent to be a

1376 parent as a result of the scientific testing, the court shall
 1377 enter a judgment of maternity or paternity, shall assess the
 1378 cost of the scientific testing to the parent, and shall enter an
 1379 amount of child support to be paid by the parent as determined
 1380 under s. 61.30. If the known parent contests the recognition of
 1381 the prospective parent as a parent, the prospective parent shall
 1382 not be recognized as a parent until proceedings to establish
 1383 maternity or paternity have been concluded. However, the
 1384 prospective parent shall continue to receive notice of hearings
 1385 as a participant until proceedings to establish maternity or
 1386 paternity have been concluded.

1387 (9) If the diligent search under subsection (5) fails to
 1388 identify and locate a prospective parent, the court shall so
 1389 find and may proceed without further notice.

1390 Section 18. Paragraph (1) of subsection (1) of section
 1391 39.806, Florida Statutes, is amended, and subsections (2) and
 1392 (3) are republished, to read:

1393 39.806 Grounds for termination of parental rights.—

1394 (1) Grounds for the termination of parental rights may be
 1395 established under any of the following circumstances:

1396 (1) On three or more occasions the child or another child
 1397 of the parent or parents has been placed in out-of-home care
 1398 pursuant to this chapter or the law of any state, territory, or
 1399 jurisdiction of the United States which is substantially similar
 1400 to this chapter, and the conditions that led to the child's out-

1401 of-home placement were caused by the parent or parents.

1402 (2) Reasonable efforts to preserve and reunify families
 1403 are not required if a court of competent jurisdiction has
 1404 determined that any of the events described in paragraphs
 1405 (1) (b)-(d) or paragraphs (1) (f)-(m) have occurred.

1406 (3) If a petition for termination of parental rights is
 1407 filed under subsection (1), a separate petition for dependency
 1408 need not be filed and the department need not offer the parents
 1409 a case plan having a goal of reunification, but may instead file
 1410 with the court a case plan having a goal of termination of
 1411 parental rights to allow continuation of services until the
 1412 termination is granted or until further orders of the court are
 1413 issued.

1414 Section 19. Subsection (6) of section 39.811, Florida
 1415 Statutes, is amended to read:

1416 39.811 Powers of disposition; order of disposition.—

1417 (6) The parental rights of one parent may be severed
 1418 without severing the parental rights of the other parent only
 1419 under the following circumstances:

1420 (a) If the child has only one surviving parent;

1421 (b) If the identity of a prospective parent has been
 1422 established as unknown after sworn testimony;

1423 (c) If the parent whose rights are being terminated became
 1424 a parent through a single-parent adoption;

1425 (d) If the protection of the child demands termination of

1426 the rights of a single parent; or

1427 (e) If the parent whose rights are being terminated meets
 1428 any of the criteria specified in s. 39.806(1) (c), (d), (f), (g),
 1429 (h), (i), (j), (k), (l), (m), or (n) ~~and (f)-(m)~~.

1430 Section 20. Paragraph (g) of subsection (4) of section
 1431 395.3025, Florida Statutes, is amended, and subsection (8) of
 1432 that section is republished, to read:

1433 395.3025 Patient and personnel records; copies;
 1434 examination.—

1435 (4) Patient records are confidential and must not be
 1436 disclosed without the consent of the patient or his or her legal
 1437 representative, but appropriate disclosure may be made without
 1438 such consent to:

1439 (g) The Department of Children and Families, ~~or~~ or its agent,
 1440 or its contracted entity, for the purpose of investigations of
 1441 or services for cases of abuse, neglect, or exploitation of
 1442 children or vulnerable adults.

1443 (8) Patient records at hospitals and ambulatory surgical
 1444 centers are exempt from disclosure under s. 119.07(1), except as
 1445 provided by subsections (1)-(5).

1446 Section 21. Subsections (2) and (6) of section 402.40,
 1447 Florida Statutes, are amended to read:

1448 402.40 Child welfare training and certification.—

1449 (2) DEFINITIONS.—As used in this section, the term:

1450 (a) "Child welfare certification" means a professional

1451 credential awarded by a department-approved third-party
1452 credentialing entity to individuals demonstrating core
1453 competency in any child welfare practice area.

1454 (b) "Child welfare services" means any intake, protective
1455 investigations, preprotective services, protective services,
1456 foster care, shelter and group care, and adoption and related
1457 services program, including supportive services and supervision
1458 provided to children who are alleged to have been abused,
1459 abandoned, or neglected or who are at risk of becoming, are
1460 alleged to be, or have been found dependent pursuant to chapter
1461 39.

1462 (c) "Child welfare trainer" means any person providing
1463 training for the purposes of child welfare professionals earning
1464 certification.

1465 (d)~~(e)~~ "Core competency" means the minimum knowledge,
1466 skills, and abilities necessary to carry out work
1467 responsibilities.

1468 (e)~~(d)~~ "Person providing child welfare services" means a
1469 person who has a responsibility for supervisory, direct care, or
1470 support-related work in the provision of child welfare services
1471 pursuant to chapter 39.

1472 (f)~~(e)~~ "Preservice curriculum" means the minimum statewide
1473 training content based upon the core competencies which is made
1474 available to all persons providing child welfare services.

1475 (g)~~(f)~~ "Third-party credentialing entity" means a

1476 department-approved nonprofit organization that has met
1477 nationally recognized standards for developing and administering
1478 professional certification programs.

1479 (6) ADOPTION OF RULES.—The Department of Children and
1480 Families shall adopt rules necessary to carry out ~~the provisions~~
1481 ~~of this section~~, including the requirements for child welfare
1482 trainers.

1483 Section 22. Paragraph (a) of subsection (7) of section
1484 456.057, Florida Statutes, is amended to read:

1485 456.057 Ownership and control of patient records; report
1486 or copies of records to be furnished; disclosure of
1487 information.—

1488 (7) (a) Except as otherwise provided in this section and in
1489 s. 440.13(4)(c), such records may not be furnished to, and the
1490 medical condition of a patient may not be discussed with, any
1491 person other than the patient, the patient's legal
1492 representative, or other health care practitioners and providers
1493 involved in the patient's care or treatment, except upon written
1494 authorization from the patient. However, such records may be
1495 furnished without written authorization under the following
1496 circumstances:

1497 1. To any person, firm, or corporation that has procured
1498 or furnished such care or treatment with the patient's consent.

1499 2. When compulsory physical examination is made pursuant
1500 to Rule 1.360, Florida Rules of Civil Procedure, in which case

1501 copies of the medical records shall be furnished to both the
1502 defendant and the plaintiff.

1503 3. In any civil or criminal action, unless otherwise
1504 prohibited by law, upon the issuance of a subpoena from a court
1505 of competent jurisdiction and proper notice to the patient or
1506 the patient's legal representative by the party seeking such
1507 records.

1508 4. For statistical and scientific research, provided the
1509 information is abstracted in such a way as to protect the
1510 identity of the patient or provided written permission is
1511 received from the patient or the patient's legal representative.

1512 5. To a regional poison control center for purposes of
1513 treating a poison episode under evaluation, case management of
1514 poison cases, or compliance with data collection and reporting
1515 requirements of s. 395.1027 and the professional organization
1516 that certifies poison control centers in accordance with federal
1517 law.

1518 6. To the Department of Children and Families, its agent,
1519 or its contracted entity, for the purpose of investigations of
1520 or services for cases of abuse, neglect, or exploitation of
1521 children or vulnerable adults.

1522 Section 23. Section 409.141, Florida Statutes, is
1523 repealed.

1524 Section 24. Section 409.1677, Florida Statutes, is
1525 repealed.

1526 Section 25. Subsection (1) of section 39.524, Florida
 1527 Statutes, is amended to read:

1528 39.524 Safe-harbor placement.—

1529 (1) Except as provided in s. 39.407 or s. 985.801, a
 1530 dependent child 6 years of age or older who has been found to be
 1531 a victim of sexual exploitation as defined in s. 39.01 ~~s.~~
 1532 ~~39.01(70)(g)~~ must be assessed for placement in a safe house or
 1533 safe foster home as provided in s. 409.1678 using the initial
 1534 screening and assessment instruments provided in s. 409.1754(1).
 1535 If such placement is determined to be appropriate for the child
 1536 as a result of this assessment, the child may be placed in a
 1537 safe house or safe foster home, if one is available. However,
 1538 the child may be placed in another setting, if the other setting
 1539 is more appropriate to the child's needs or if a safe house or
 1540 safe foster home is unavailable, as long as the child's
 1541 behaviors are managed so as not to endanger other children
 1542 served in that setting.

1543 Section 26. Paragraph (p) of subsection (4) of section
 1544 394.495, Florida Statutes, is amended to read:

1545 394.495 Child and adolescent mental health system of care;
 1546 programs and services.—

1547 (4) The array of services may include, but is not limited
 1548 to:

1549 (p) Trauma-informed services for children who have
 1550 suffered sexual exploitation as defined in s. 39.01 ~~s.~~

1551 ~~39.01(70)(g).~~

1552 Section 27. Paragraph (c) of subsection (1) and paragraphs
1553 (a) and (b) of subsection (6) of section 409.1678, Florida
1554 Statutes, are amended to read:

1555 409.1678 Specialized residential options for children who
1556 are victims of sexual exploitation.—

1557 (1) DEFINITIONS.—As used in this section, the term:

1558 (c) "Sexually exploited child" means a child who has
1559 suffered sexual exploitation as defined in s. 39.01 ~~s.~~
1560 ~~39.01(70)(g)~~ and is ineligible for relief and benefits under the
1561 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101
1562 et seq.

1563 (6) LOCATION INFORMATION.—

1564 (a) Information about the location of a safe house, safe
1565 foster home, or other residential facility serving victims of
1566 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~,
1567 which is held by an agency, as defined in s. 119.011, is
1568 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1569 of the State Constitution. This exemption applies to such
1570 confidential and exempt information held by an agency before,
1571 on, or after the effective date of the exemption.

1572 (b) Information about the location of a safe house, safe
1573 foster home, or other residential facility serving victims of
1574 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~, may
1575 be provided to an agency, as defined in s. 119.011, as necessary

1576 to maintain health and safety standards and to address emergency
 1577 situations in the safe house, safe foster home, or other
 1578 residential facility.

1579 Section 28. Subsection (5) of section 960.065, Florida
 1580 Statutes, is amended to read:

1581 960.065 Eligibility for awards.—

1582 (5) A person is not ineligible for an award pursuant to
 1583 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
 1584 person is a victim of sexual exploitation of a child as defined
 1585 in s. 39.01 ~~s. 39.01(70)(g)~~.

1586 Section 29. Section 409.1679, Florida Statutes, is amended
 1587 to read:

1588 409.1679 Additional requirements; reimbursement
 1589 methodology.—

1590 (1) Each program established under s. 409.1676 ~~ss.~~
 1591 ~~409.1676 and 409.1677~~ must meet the following expectations,
 1592 which must be included in its contracts with the department or
 1593 lead agency:

1594 (a) No more than 10 percent of the children served may
 1595 move from one living environment to another, unless the child is
 1596 returned to family members or is moved, in accordance with the
 1597 treatment plan, to a less-restrictive setting. Each child must
 1598 have a comprehensive transitional plan that identifies the
 1599 child's living arrangement upon leaving the program and specific
 1600 steps and services that are being provided to prepare for that

1601 arrangement. Specific expectations as to the time period
1602 necessary for the achievement of these permanency goals must be
1603 included in the contract.

1604 (b) Each child must receive a full academic year of
1605 appropriate educational instruction. No more than 10 percent of
1606 the children may be in more than one academic setting in an
1607 academic year, unless the child is being moved, in accordance
1608 with an educational plan, to a less-restrictive setting. Each
1609 child must demonstrate academic progress and must be performing
1610 at grade level or at a level commensurate with a valid academic
1611 assessment.

1612 (c) Siblings must be kept together in the same living
1613 environment 100 percent of the time, unless that is determined
1614 by the provider not to be in the children's best interest. When
1615 siblings are separated in placement, the decision must be
1616 reviewed and approved by the court within 30 days.

1617 (d) The program must experience a caregiver turnover rate
1618 and an incidence of child runaway episodes which are at least 50
1619 percent below the rates experienced in the rest of the state.

1620 (e) In addition to providing a comprehensive assessment,
1621 the program must provide, 100 percent of the time, any or all of
1622 the following services that are indicated through the
1623 assessment: residential care; transportation; behavioral health
1624 services; recreational activities; clothing, supplies, and
1625 miscellaneous expenses associated with caring for these

1626 | children; necessary arrangements for or provision of educational
 1627 | services; and necessary and appropriate health and dental care.

1628 | (f) The children who are served in this program must be
 1629 | satisfied with the services and living environment.

1630 | (g) The caregivers must be satisfied with the program.

1631 | (2) ~~Notwithstanding the provisions of s. 409.141,~~ The
 1632 | Department of Children and Families shall fairly and reasonably
 1633 | reimburse the programs established under s. 409.1676 ~~ss.~~
 1634 | ~~409.1676 and 409.1677~~ based on a prospective per diem rate,
 1635 | which must be specified annually in the General Appropriations
 1636 | Act. Funding for these programs shall be made available from
 1637 | resources appropriated and identified in the General
 1638 | Appropriations Act.

1639 | Section 30. Subsection (11) of section 1002.3305, Florida
 1640 | Statutes, is amended to read:

1641 | 1002.3305 College-Preparatory Boarding Academy Pilot
 1642 | Program for at-risk students.—

1643 | (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~
 1644 | ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an
 1645 | operator may house and educate dependent, at-risk youth in its
 1646 | residential school for the purpose of facilitating the mission
 1647 | of the program and encouraging innovative practices.

1648 | Section 31. For the purpose of incorporating the amendment
 1649 | made by this act to section 456.057, Florida Statutes, in a
 1650 | reference thereto, subsection (2) of section 483.181, Florida

1651 Statutes, is reenacted to read:

1652 483.181 Acceptance, collection, identification, and
1653 examination of specimens.—

1654 (2) The results of a test must be reported directly to the
1655 licensed practitioner or other authorized person who requested
1656 it, and appropriate disclosure may be made by the clinical
1657 laboratory without a patient's consent to other health care
1658 practitioners and providers involved in the care or treatment of
1659 the patient as specified in s. 456.057(7)(a). The report must
1660 include the name and address of the clinical laboratory in which
1661 the test was actually performed, unless the test was performed
1662 in a hospital laboratory and the report becomes an integral part
1663 of the hospital record.

1664 Section 32. This act shall take effect July 1, 2017.