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1  
2 An act relating to child welfare; amending s.  
3 395.1055, F.S.; requiring the Agency for Health Care  
4 Administration to establish a technical advisory panel  
5 to develop procedures and standards for measuring  
6 outcomes of pediatric cardiac catheterization programs  
7 and pediatric open-heart surgery programs; providing  
8 for the membership of the technical advisory panel;  
9 requiring the agency to develop and adopt rules for  
10 pediatric cardiac catheterization programs and  
11 pediatric open-heart surgery programs based on  
12 recommendations of the technical advisory panel;  
13 providing for future repeal of the advisory panel;  
14 amending s. 39.01, F.S.; defining the term "legal  
15 father"; redefining the terms "parent" and "permanency  
16 goal"; amending s. 39.013, F.S.; extending court  
17 jurisdiction to 22 years of age for young adults with  
18 disabilities in foster care; amending s. 39.202, F.S.;  
19 providing that confidential records held by the  
20 Department of Children and Families concerning reports  
21 of child abandonment, abuse, or neglect, including  
22 reports made to the central abuse hotline and all  
23 records generated as a result of such reports, may be  
24 accessed for employment screening of residential group  
25 home caregivers; changing the time period for the

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26 | release of records to certain individuals; amending s.  
27 | 39.301, F.S.; requiring a safety plan to be issued for  
28 | a perpetrator of domestic violence only if the  
29 | perpetrator can be located; specifying what  
30 | constitutes reasonable efforts; requiring that a child  
31 | new to a family under investigation be added to the  
32 | investigation and assessed for safety; amending s.  
33 | 39.302, F.S.; conforming a cross-reference; providing  
34 | that central abuse hotline information may be used for  
35 | certain employment screenings; amending s. 39.402,  
36 | F.S.; requiring a court to inquire as to the identity  
37 | and location of a child's legal father at the shelter  
38 | hearing; specifying the types of information that fall  
39 | within the scope of such inquiry; amending s. 39.503,  
40 | F.S.; requiring a court to conduct under oath the  
41 | inquiry to determine the identity or location of an  
42 | unknown parent; requiring a court to seek additional  
43 | information relating to a father's identity in such  
44 | inquiry; requiring the diligent search to determine a  
45 | parent's or prospective parent's location to include a  
46 | search of the Florida Putative Father Registry;  
47 | amending s. 39.504, F.S.; requiring that, if there is  
48 | a pending dependency proceeding regarding a child for  
49 | whom an injunction is sought to protect, the same  
50 | judge must hear both proceedings; providing that the

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51 court may enter an injunction based on specified  
52 evidence; amending s. 39.507, F.S.; requiring a court  
53 to consider maltreatment allegations against a parent  
54 in an evidentiary hearing relating to a dependency  
55 petition; amending s. 39.5085, F.S.; revising  
56 eligibility guidelines for the Relative Caregiver  
57 Program with respect to relative and nonrelative  
58 caregivers; prohibiting a relative or nonrelative  
59 caregiver from receiving payments under the Relative  
60 Caregiver Program under certain circumstances;  
61 amending s. 39.521, F.S.; providing new time  
62 guidelines for filing with the court and providing  
63 copies of case plans and family functioning  
64 assessments; providing for assessment and program  
65 compliance for a parent who caused harm to a child by  
66 exposing the child to a controlled substance;  
67 providing in-home safety plan requirements; providing  
68 requirements for family functioning assessments;  
69 providing supervision requirements after  
70 reunification; amending s. 39.522, F.S.; providing  
71 conditions for returning a child to the home with an  
72 in-home safety plan; amending s. 39.523, F.S.;  
73 providing legislative findings and intent; requiring  
74 children placed in out-of-home care to be assessed to  
75 determine the least restrictive placement that meets

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76 | the needs of the child; requiring specified entities  
77 | to document the placement assessments and decisions;  
78 | requiring a court to review and approve placements;  
79 | requiring the department to post specified information  
80 | relating to assessment and placement on its website  
81 | and update that information annually on specified  
82 | dates; authorizing the department to adopt rules;  
83 | amending s. 39.6011, F.S.; providing requirements for  
84 | confidential information in a case planning  
85 | conference; providing restrictions; amending s.  
86 | 39.6012, F.S.; requiring that, if a parent caused harm  
87 | to a child by exposing the child to a controlled  
88 | substance, the case plan include as a required task  
89 | that the parent submit to a certain assessment and  
90 | comply with any treatment and services identified as  
91 | necessary; amending s. 39.6035, F.S.; requiring a  
92 | transition plan to be approved before a child reaches  
93 | 18 years of age; amending s. 39.621, F.S.; specifying  
94 | the circumstances under which the permanency goal of  
95 | maintaining and strengthening the placement with a  
96 | parent may be used; amending s. 39.6221, F.S.;  
97 | providing that relocation requirements for parents in  
98 | dissolution proceedings do not apply to certain  
99 | permanent guardianships; amending s. 39.701, F.S.;  
100 | providing safety assessment requirements for children

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101 coming into a home under court jurisdiction; amending  
102 s. 39.801, F.S.; providing an exception to the notice  
103 requirement regarding the advisory hearing for a  
104 petition to terminate parental rights; amending s.  
105 39.803, F.S.; requiring a court to conduct under oath  
106 the inquiry to determine the identity or location of  
107 an unknown parent after the filing of a termination of  
108 parental rights petition; requiring a court to seek  
109 additional information relating to a legal father's  
110 identity in such inquiry; revising minimum  
111 requirements for the diligent search to determine the  
112 location of a parent or prospective parent;  
113 authorizing a court to schedule an adjudicatory  
114 hearing regarding a petition for termination of  
115 parental rights if a diligent search fails to identify  
116 and locate a prospective parent; amending s. 39.806,  
117 F.S.; revising circumstances under which grounds for  
118 the termination of parental rights may be established;  
119 amending s. 39.811, F.S.; revising circumstances under  
120 which the rights of one parent may be terminated  
121 without terminating the rights of the other parent;  
122 amending s. 125.901, F.S.; creating an exception to  
123 the requirement that, for an independent special  
124 district in existence on a certain date and serving a  
125 population of a specified size, the governing body of

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126 | the county submit the question of the district's  
127 | retention or dissolution to the electorate in a  
128 | specified general election; amending s. 394.463, F.S.;  
129 | requiring a facility to initiate an involuntary  
130 | examination of a minor within 12 hours after his or  
131 | her arrival; creating a task force within the  
132 | Department of Children and Families; providing the  
133 | purpose and membership of the task force; requiring  
134 | the task force to analyze certain data and make  
135 | recommendations in a report to the Governor and the  
136 | Legislature by a specified date; providing for  
137 | expiration of the task force; amending s. 395.3025,  
138 | F.S.; revising requirements for access to patient  
139 | records; amending s. 402.40, F.S.; defining the term  
140 | "child welfare trainer"; providing rulemaking  
141 | authority; creating s. 409.16742, F.S.; providing  
142 | legislative findings and intent; establishing a shared  
143 | family care residential services pilot program for  
144 | substance-exposed newborns; amending s. 409.992, F.S.;  
145 | limiting compensation from state-appropriated funds  
146 | for administrative employees of community-based care  
147 | agencies; amending s. 409.996, F.S.; requiring the  
148 | Department of Children and Families to develop, in  
149 | collaboration with specified entities, a statewide  
150 | accountability system for residential group care

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151 providers; specifying requirements for the  
152 accountability system; requiring the department and  
153 the lead agencies to use the collected information to  
154 promote enhanced quality in residential group care;  
155 requiring the department to submit an annual report,  
156 beginning on a specified date, to the Governor and the  
157 Legislature; specifying report requirements; requiring  
158 implementation of the accountability system by a  
159 certain date; providing construction; authorizing the  
160 department to adopt rules; requiring the department,  
161 in collaboration with the Florida Institute for Child  
162 Welfare, to convene a workgroup on foster home  
163 quality; specifying requirements for the workgroup;  
164 providing for membership of the workgroup; requiring  
165 the Florida Institute for Child Welfare to provide the  
166 workgroup with specified research; requiring the  
167 workgroup to submit a report by a specified date to  
168 the Governor and the Legislature; specifying  
169 requirements for the report; amending s. 456.057,  
170 F.S.; revising requirements for access to patient  
171 records; repealing s. 409.141, F.S., relating to  
172 equitable reimbursement methodology; repealing s.  
173 409.1677, F.S., relating to model comprehensive  
174 residential services programs; amending s. 743.067,  
175 F.S.; revising the term "unaccompanied homeless

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176 youth"; requiring the State Office on Homelessness  
 177 within the Department of Children and Families to  
 178 develop a standardized form to be used in the  
 179 certification of unaccompanied homeless youth;  
 180 providing information that must be included in the  
 181 certification form; authorizing a certified  
 182 unaccompanied homeless youth to apply to the  
 183 Department of Highway Safety and Motor Vehicles for an  
 184 identification card; conforming terminology; amending  
 185 s. 1009.25, F.S.; revising the exemption from the  
 186 payment of tuition and fees for homeless students;  
 187 amending ss. 39.524, 394.495, 409.1678, and 960.065,  
 188 F.S.; conforming cross-references; amending ss.  
 189 409.1679 and 1002.3305, F.S.; conforming provisions to  
 190 changes made by the act; reenacting s. 483.181(2),  
 191 F.S., relating to acceptance, collection,  
 192 identification, and examination of specimens, to  
 193 incorporate the amendment made to s. 456.057, F.S., in  
 194 a reference thereto; providing an appropriation;  
 195 providing effective dates.

196  
 197 Be It Enacted by the Legislature of the State of Florida:

198  
 199 Section 1. Present subsection (9) of section 395.1055,  
 200 Florida Statutes, is redesignated as subsection (10), and a new



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201 subsection (9) is added to that section, to read:

202 395.1055 Rules and enforcement.—

203 (9) The agency shall establish a technical advisory panel  
 204 to develop procedures and standards for measuring outcomes of  
 205 pediatric cardiac catheterization programs and pediatric open-  
 206 heart surgery programs.

207 (a) The panel must be composed of 3 at-large members,  
 208 including 1 cardiologist who is board certified in caring for  
 209 adults with congenital heart disease and 2 board-certified  
 210 pediatric cardiologists, neither of whom may be employed by any  
 211 of the hospitals specified in subparagraphs 1.-10. or their  
 212 affiliates, each of whom is appointed by the Secretary of Health  
 213 Care Administration, and 10 members, each of whom is a pediatric  
 214 cardiologist or a pediatric cardiovascular surgeon, each  
 215 appointed by the chief executive officer of one of the following  
 216 hospitals:

217 1. Johns Hopkins All Children's Hospital in St.  
 218 Petersburg.

219 2. Arnold Palmer Hospital for Children in Orlando.

220 3. Joe DiMaggio Children's Hospital in Hollywood.

221 4. Nicklaus Children's Hospital in Miami.

222 5. St. Joseph's Children's Hospital in Tampa.

223 6. University of Florida Health Shands Hospital in  
 224 Gainesville.

225 7. University of Miami Holtz Children's Hospital in Miami.

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- 226       8. Wolfson Children's Hospital in Jacksonville.
- 227       9. Florida Hospital for Children in Orlando.
- 228       10. Nemours Children's Hospital in Orlando.

229       (b) Based on the recommendations of the panel, the agency  
 230 shall develop and adopt rules for pediatric cardiac  
 231 catheterization programs and pediatric open-heart surgery  
 232 programs which include at least the following:

233       1. A risk adjustment procedure that accounts for the  
 234 variations in severity and case mix found in hospitals in this  
 235 state;

236       2. Outcome standards specifying expected levels of  
 237 performance in pediatric cardiac programs. Such standards may  
 238 include, but are not limited to, in-hospital mortality,  
 239 infection rates, nonfatal myocardial infarctions, length of  
 240 postoperative bleeds, and returns to surgery; and

241       3. Specific steps to be taken by the agency and licensed  
 242 facilities that do not meet the outcome standards within a  
 243 specified time, including time required for detailed case  
 244 reviews and development and implementation of corrective action  
 245 plans.

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

247       Section 2. Present subsections (35) through (80) of  
 248 section 39.01, Florida Statutes, are redesignated as subsections  
 249 (36) through (81), respectively, a new subsection (35) is added  
 250 to that section, and subsections (10) and (32) and present

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251 subsections (49) and (52) of that section are amended, to read:

252 39.01 Definitions.—When used in this chapter, unless the  
 253 context otherwise requires:

254 (10) "Caregiver" means the parent, legal custodian,  
 255 permanent guardian, adult household member, or other person  
 256 responsible for a child's welfare as defined in subsection (48)  
 257 ~~(47)~~.

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

265 (35) "Legal father" means a man married to the mother at  
 266 the time of conception or birth of their child, unless paternity  
 267 has been otherwise determined by a court of competent  
 268 jurisdiction. If the mother was not married to a man at the time  
 269 of birth or conception of the child, the term means a man named  
 270 on the birth certificate of the child pursuant to s. 382.013(2),  
 271 a man determined by a court order to be the father of the child,  
 272 or a man determined to be the father of the child by the  
 273 Department of Revenue as provided in s. 409.256.

274 (50) ~~(49)~~ "Parent" means a woman who gives birth to a child  
 275 and a man whose consent to the adoption of the child would be

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276 | required under s. 63.062(1). The term "parent" also means legal  
 277 | father as defined in this section. If a child has been legally  
 278 | adopted, the term "parent" means the adoptive mother or father  
 279 | of the child. For purposes of this chapter only, when the phrase  
 280 | "parent or legal custodian" is used, it refers to rights or  
 281 | responsibilities of the parent and, only if there is no living  
 282 | parent with intact parental rights, to the rights or  
 283 | responsibilities of the legal custodian who has assumed the role  
 284 | of the parent. The term does not include an individual whose  
 285 | parental relationship to the child has been legally terminated,  
 286 | or an alleged or prospective parent, unless:

287 |       (a) The parental status falls within the terms of s.  
 288 | 39.503(1) or s. 63.062(1); or

289 |       (b) Parental status is applied for the purpose of  
 290 | determining whether the child has been abandoned.

291 |       (53) ~~(52)~~ "Permanency goal" means the living arrangement  
 292 | identified for the child to return to or identified as the  
 293 | permanent living arrangement of the child. ~~Permanency goals~~  
 294 | ~~applicable under this chapter, listed in order of preference,~~  
 295 | ~~are:~~

296 |       ~~(a) Reunification;~~

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

299 |       ~~(c) Permanent guardianship of a dependent child under s.~~  
 300 | ~~39.6221;~~

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

303 ~~(e) Placement in another planned permanent living~~  
 304 ~~arrangement under s. 39.6241.~~

305

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

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

311 39.013 Procedures and jurisdiction; right to counsel.—

312 (2) The circuit court has exclusive original jurisdiction  
 313 of all proceedings under this chapter, of a child voluntarily  
 314 placed with a licensed child-caring agency, a licensed child-  
 315 placing agency, or the department, and of the adoption of  
 316 children whose parental rights have been terminated under this  
 317 chapter. Jurisdiction attaches when the initial shelter  
 318 petition, dependency petition, or termination of parental rights  
 319 petition, or a petition for an injunction to prevent child abuse  
 320 issued pursuant to s. 39.504, is filed or when a child is taken  
 321 into the custody of the department. The circuit court may assume  
 322 jurisdiction over any such proceeding regardless of whether the  
 323 child was in the physical custody of both parents, was in the  
 324 sole legal or physical custody of only one parent, caregiver, or  
 325 some other person, or was not in the physical or legal custody

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326 of any person when the event or condition occurred that brought  
327 the child to the attention of the court. When the court obtains  
328 jurisdiction of any child who has been found to be dependent,  
329 the court shall retain jurisdiction, unless relinquished by its  
330 order, until the child reaches 21 years of age, or 22 years of  
331 age if the child has a disability, with the following

332 exceptions:

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

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

338 (c) If a young adult petitions the court at any time  
339 before his or her 19th birthday requesting the court's continued  
340 jurisdiction, the juvenile court may retain jurisdiction under  
341 this chapter for a period not to exceed 1 year following the  
342 young adult's 18th birthday for the purpose of determining  
343 whether appropriate services that were required to be provided  
344 to the young adult before reaching 18 years of age have been  
345 provided.

346 (d) If a petition for special immigrant juvenile status  
347 and an application for adjustment of status have been filed on  
348 behalf of a foster child and the petition and application have  
349 not been granted by the time the child reaches 18 years of age,  
350 the court may retain jurisdiction over the dependency case

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351 solely for the purpose of allowing the continued consideration  
 352 of the petition and application by federal authorities. Review  
 353 hearings for the child shall be set solely for the purpose of  
 354 determining the status of the petition and application. The  
 355 court's jurisdiction terminates upon the final decision of the  
 356 federal authorities. Retention of jurisdiction in this instance  
 357 does not affect the services available to a young adult under s.  
 358 409.1451. The court may not retain jurisdiction of the case  
 359 after the immigrant child's 22nd birthday.

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

362 39.202 Confidentiality of reports and records in cases of  
 363 child abuse or neglect.—

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

368 (a) Employees, authorized agents, or contract providers of  
 369 the department, the Department of Health, the Agency for Persons  
 370 with Disabilities, the Office of Early Learning, or county  
 371 agencies responsible for carrying out:

- 372 1. Child or adult protective investigations;
- 373 2. Ongoing child or adult protective services;
- 374 3. Early intervention and prevention services;
- 375 4. Healthy Start services;

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376           5. Licensure or approval of adoptive homes, foster homes,  
 377 child care facilities, facilities licensed under chapter 393,  
 378 family day care homes, providers who receive school readiness  
 379 funding under part VI of chapter 1002, or other homes used to  
 380 provide for the care and welfare of children; ~~or~~

381           6. Employment screening for caregivers in residential  
 382 group homes; or

383           ~~7.6.~~ Services for victims of domestic violence when  
 384 provided by certified domestic violence centers working at the  
 385 department's request as case consultants or with shared clients.  
 386

387 Also, employees or agents of the Department of Juvenile Justice  
 388 responsible for the provision of services to children, pursuant  
 389 to chapters 984 and 985.

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

398           (e) Any person alleged in the report as having caused the  
 399 abuse, abandonment, or neglect of a child. This access shall be  
 400 made available no later than 60 ~~30~~ days after the department



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401 receives the initial report of abuse, abandonment, or neglect  
402 and, when the alleged perpetrator is not a parent, shall be  
403 limited to information involving the protective investigation  
404 only and shall not include any information relating to  
405 subsequent dependency proceedings. However, any information  
406 otherwise made confidential or exempt by law shall not be  
407 released pursuant to this paragraph.

408 Section 5. Paragraph (a) of subsection (9) of section  
409 39.301, Florida Statutes, is amended, and subsection (23) is  
410 added to that section, to read:

411 39.301 Initiation of protective investigations.—

412 (9) (a) For each report received from the central abuse  
413 hotline and accepted for investigation, the department or the  
414 sheriff providing child protective investigative services under  
415 s. 39.3065, shall perform the following child protective  
416 investigation activities to determine child safety:

417 1. Conduct a review of all relevant, available information  
418 specific to the child and family and alleged maltreatment;  
419 family child welfare history; local, state, and federal criminal  
420 records checks; and requests for law enforcement assistance  
421 provided by the abuse hotline. Based on a review of available  
422 information, including the allegations in the current report, a  
423 determination shall be made as to whether immediate consultation  
424 should occur with law enforcement, the child protection team, a  
425 domestic violence shelter or advocate, or a substance abuse or

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426 | mental health professional. Such consultations should include  
427 | discussion as to whether a joint response is necessary and  
428 | feasible. A determination shall be made as to whether the person  
429 | making the report should be contacted before the face-to-face  
430 | interviews with the child and family members.

431 |         2. Conduct face-to-face interviews with the child; other  
432 | siblings, if any; and the parents, legal custodians, or  
433 | caregivers.

434 |         3. Assess the child's residence, including a determination  
435 | of the composition of the family and household, including the  
436 | name, address, date of birth, social security number, sex, and  
437 | race of each child named in the report; any siblings or other  
438 | children in the same household or in the care of the same  
439 | adults; the parents, legal custodians, or caregivers; and any  
440 | other adults in the same household.

441 |         4. Determine whether there is any indication that any  
442 | child in the family or household has been abused, abandoned, or  
443 | neglected; the nature and extent of present or prior injuries,  
444 | abuse, or neglect, and any evidence thereof; and a determination  
445 | as to the person or persons apparently responsible for the  
446 | abuse, abandonment, or neglect, including the name, address,  
447 | date of birth, social security number, sex, and race of each  
448 | such person.

449 |         5. Complete assessment of immediate child safety for each  
450 | child based on available records, interviews, and observations

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451 with all persons named in subparagraph 2. and appropriate  
452 collateral contacts, which may include other professionals. The  
453 department's child protection investigators are hereby  
454 designated a criminal justice agency for the purpose of  
455 accessing criminal justice information to be used for enforcing  
456 this state's laws concerning the crimes of child abuse,  
457 abandonment, and neglect. This information shall be used solely  
458 for purposes supporting the detection, apprehension,  
459 prosecution, pretrial release, posttrial release, or  
460 rehabilitation of criminal offenders or persons accused of the  
461 crimes of child abuse, abandonment, or neglect and may not be  
462 further disseminated or used for any other purpose.

463 6. Document the present and impending dangers to each  
464 child based on the identification of inadequate protective  
465 capacity through utilization of a standardized safety assessment  
466 instrument. If present or impending danger is identified, the  
467 child protective investigator must implement a safety plan or  
468 take the child into custody. If present danger is identified and  
469 the child is not removed, the child protective investigator  
470 shall create and implement a safety plan before leaving the home  
471 or the location where there is present danger. If impending  
472 danger is identified, the child protective investigator shall  
473 create and implement a safety plan as soon as necessary to  
474 protect the safety of the child. The child protective  
475 investigator may modify the safety plan if he or she identifies

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476 additional impending danger.

477 a. If the child protective investigator implements a  
478 safety plan, the plan must be specific, sufficient, feasible,  
479 and sustainable in response to the realities of the present or  
480 impending danger. A safety plan may be an in-home plan or an  
481 out-of-home plan, or a combination of both. A safety plan may  
482 include tasks or responsibilities for a parent, caregiver, or  
483 legal custodian. However, a safety plan may not rely on  
484 promissory commitments by the parent, caregiver, or legal  
485 custodian who is currently not able to protect the child or on  
486 services that are not available or will not result in the safety  
487 of the child. A safety plan may not be implemented if for any  
488 reason the parents, guardian, or legal custodian lacks the  
489 capacity or ability to comply with the plan. If the department  
490 is not able to develop a plan that is specific, sufficient,  
491 feasible, and sustainable, the department shall file a shelter  
492 petition. A child protective investigator shall implement  
493 separate safety plans for the perpetrator of domestic violence,  
494 if the investigator, using reasonable efforts, can locate the  
495 perpetrator to implement a safety plan, and for the parent who  
496 is a victim of domestic violence as defined in s. 741.28.  
497 Reasonable efforts to locate a perpetrator include, but are not  
498 limited to, a diligent search pursuant to the same requirements  
499 as in s. 39.503. If the perpetrator of domestic violence is not  
500 the parent, guardian, or legal custodian of any child in the

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501 | home and if the department does not intend to file a shelter  
502 | petition or dependency petition that will assert allegations  
503 | against the perpetrator as a parent of a ~~the~~ child in the home,  
504 | the child protective investigator shall seek issuance of an  
505 | injunction authorized by s. 39.504 to implement a safety plan  
506 | for the perpetrator and impose any other conditions to protect  
507 | the child. The safety plan for the parent who is a victim of  
508 | domestic violence may not be shared with the perpetrator. If any  
509 | party to a safety plan fails to comply with the safety plan  
510 | resulting in the child being unsafe, the department shall file a  
511 | shelter petition.

512 |       b. The child protective investigator shall collaborate  
513 | with the community-based care lead agency in the development of  
514 | the safety plan as necessary to ensure that the safety plan is  
515 | specific, sufficient, feasible, and sustainable. The child  
516 | protective investigator shall identify services necessary for  
517 | the successful implementation of the safety plan. The child  
518 | protective investigator and the community-based care lead agency  
519 | shall mobilize service resources to assist all parties in  
520 | complying with the safety plan. The community-based care lead  
521 | agency shall prioritize safety plan services to families who  
522 | have multiple risk factors, including, but not limited to, two  
523 | or more of the following:

- 524 |       (I) The parent or legal custodian is of young age;  
525 |       (II) The parent or legal custodian, or an adult currently

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526 | living in or frequently visiting the home, has a history of  
 527 | substance abuse, mental illness, or domestic violence;

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

531 |       (IV) The parent or legal custodian or an adult currently  
 532 | living in or frequently visiting the home has been the subject  
 533 | of multiple allegations by reputable reports of abuse or  
 534 | neglect;

535 |       (V) The child is physically or developmentally disabled;  
 536 | or

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

538 |       c. The child protective investigator shall monitor the  
 539 | implementation of the plan to ensure the child's safety until  
 540 | the case is transferred to the lead agency at which time the  
 541 | lead agency shall monitor the implementation.

542 |       (23) If, at any time during a child protective  
 543 | investigation, a child is born into a family under investigation  
 544 | or a child moves into the home under investigation, the child  
 545 | protective investigator shall add the child to the investigation  
 546 | and assess the child's safety pursuant to subsection (7) and  
 547 | paragraph (9) (a).

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

550 |       39.302 Protective investigations of institutional child

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551 | abuse, abandonment, or neglect.-

552 |       (1) The department shall conduct a child protective  
 553 | investigation of each report of institutional child abuse,  
 554 | abandonment, or neglect. Upon receipt of a report that alleges  
 555 | that an employee or agent of the department, or any other entity  
 556 | or person covered by s. 39.01(32) or (48) ~~(47)~~, acting in an  
 557 | official capacity, has committed an act of child abuse,  
 558 | abandonment, or neglect, the department shall initiate a child  
 559 | protective investigation within the timeframe established under  
 560 | s. 39.201(5) and notify the appropriate state attorney, law  
 561 | enforcement agency, and licensing agency, which shall  
 562 | immediately conduct a joint investigation, unless independent  
 563 | investigations are more feasible. When conducting investigations  
 564 | or having face-to-face interviews with the child, investigation  
 565 | visits shall be unannounced unless it is determined by the  
 566 | department or its agent that unannounced visits threaten the  
 567 | safety of the child. If a facility is exempt from licensing, the  
 568 | department shall inform the owner or operator of the facility of  
 569 | the report. Each agency conducting a joint investigation is  
 570 | entitled to full access to the information gathered by the  
 571 | department in the course of the investigation. A protective  
 572 | investigation must include an interview with the child's parent  
 573 | or legal guardian. The department shall make a full written  
 574 | report to the state attorney within 3 working days after making  
 575 | the oral report. A criminal investigation shall be coordinated,

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576 whenever possible, with the child protective investigation of  
577 the department. Any interested person who has information  
578 regarding the offenses described in this subsection may forward  
579 a statement to the state attorney as to whether prosecution is  
580 warranted and appropriate. Within 15 days after the completion  
581 of the investigation, the state attorney shall report the  
582 findings to the department and shall include in the report a  
583 determination of whether or not prosecution is justified and  
584 appropriate in view of the circumstances of the specific case.

585 (7) When an investigation of institutional abuse, neglect,  
586 or abandonment is closed and a person is not identified as a  
587 caregiver responsible for the abuse, neglect, or abandonment  
588 alleged in the report, the fact that the person is named in some  
589 capacity in the report may not be used in any way to adversely  
590 affect the interests of that person. This prohibition applies to  
591 any use of the information in employment screening, licensing,  
592 child placement, adoption, or any other decisions by a private  
593 adoption agency or a state agency or its contracted providers.

594 (a) However, if such a person is a licensee of the  
595 department and is named in any capacity in three or more reports  
596 within a 5-year period, the department may review those reports  
597 and determine whether the information contained in the reports  
598 is relevant for purposes of determining whether the person's  
599 license should be renewed or revoked. If the information is  
600 relevant to the decision to renew or revoke the license, the



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601 department may rely on the information contained in the report  
 602 in making that decision.

603 (b) Likewise, if a person is employed as a caregiver in a  
 604 residential group home licensed pursuant to s. 409.175 and is  
 605 named in any capacity in three or more reports within a 5-year  
 606 period, the department may review all reports for the purposes  
 607 of the employment screening required pursuant to s.  
 608 409.145(2)(e).

609 Section 7. Paragraph (c) of subsection (8) of section  
 610 39.402, Florida Statutes, is amended to read:

611 39.402 Placement in a shelter.-

612 (8)

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

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

617 2. Inform the parents or legal custodians of their right  
 618 to counsel to represent them at the shelter hearing and at each  
 619 subsequent hearing or proceeding, and the right of the parents  
 620 to appointed counsel, pursuant to the procedures set forth in s.  
 621 39.013; ~~and~~

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

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

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

629 a. Whether the mother of the child was married at the  
630 probable time of conception of the child or at the time of birth  
631 of the child.

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

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

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

640 e. Whether any man has acknowledged or claimed paternity  
641 of the child in a jurisdiction in which the mother resided at  
642 the time of or since conception of the child or in which the  
643 child has resided or resides.

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

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

648 h. Whether a man has been determined to be the father of  
649 the child by the Department of Revenue as provided in s.  
650 409.256.

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651 Section 8. Subsections (1), (6), and (8) of section  
 652 39.503, Florida Statutes, are amended, subsection (9) is added  
 653 to that section, and subsection (7) of that section is  
 654 republished, to read:

655 39.503 Identity or location of parent unknown; special  
 656 procedures.—

657 (1) If the identity or location of a parent is unknown and  
 658 a petition for dependency or shelter is filed, the court shall  
 659 conduct under oath the following inquiry of the parent or legal  
 660 custodian who is available, or, if no parent or legal custodian  
 661 is available, of any relative or custodian of the child who is  
 662 present at the hearing and likely to have any of the following  
 663 information:

664 (a) Whether the mother of the child was married at the  
 665 probable time of conception of the child or at the time of birth  
 666 of the child.

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

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

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

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

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676 of the child in a jurisdiction in which the mother resided at  
677 the time of or since conception of the child, or in which the  
678 child has resided or resides.

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

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

683 (h) Whether a man has been determined to be the father of  
684 the child by the Department of Revenue as provided in s.  
685 409.256.

686 (6) The diligent search required by subsection (5) must  
687 include, at a minimum, inquiries of all relatives of the parent  
688 or prospective parent made known to the petitioner, inquiries of  
689 all offices of program areas of the department likely to have  
690 information about the parent or prospective parent, inquiries of  
691 other state and federal agencies likely to have information  
692 about the parent or prospective parent, inquiries of appropriate  
693 utility and postal providers, a thorough search of at least one  
694 electronic database specifically designed for locating persons,  
695 a search of the Florida Putative Father Registry, and inquiries  
696 of appropriate law enforcement agencies. Pursuant to s. 453 of  
697 the Social Security Act, 42 U.S.C. s. 653(c)(4), the department,  
698 as the state agency administering Titles IV-B and IV-E of the  
699 act, shall be provided access to the federal and state parent  
700 locator service for diligent search activities.

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701 (7) Any agency contacted by a petitioner with a request  
 702 for information pursuant to subsection (6) shall release the  
 703 requested information to the petitioner without the necessity of  
 704 a subpoena or court order.

705 (8) If the inquiry and diligent search identifies a  
 706 prospective parent, that person must be given the opportunity to  
 707 become a party to the proceedings by completing a sworn  
 708 affidavit of parenthood and filing it with the court or the  
 709 department. A prospective parent who files a sworn affidavit of  
 710 parenthood while the child is a dependent child but no later  
 711 than at the time of or before ~~prior to~~ the adjudicatory hearing  
 712 in any termination of parental rights proceeding for the child  
 713 shall be considered a parent for all purposes under this section  
 714 unless the other parent contests the determination of  
 715 parenthood. If the known parent contests the recognition of the  
 716 prospective parent as a parent, the prospective parent may ~~shall~~  
 717 not be recognized as a parent until proceedings to determine  
 718 maternity or paternity under chapter 742 have been concluded.  
 719 However, the prospective parent shall continue to receive notice  
 720 of hearings as a participant pending results of the chapter 742  
 721 proceedings to determine maternity or paternity.

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

725 Section 9. Section 39.504, Florida Statutes, is amended to

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726 read:

727 39.504 Injunction ~~pending disposition of petition;~~  
 728 penalty.-

729 (1) At any time after a protective investigation has been  
 730 initiated pursuant to part III of this chapter, the court, upon  
 731 the request of the department, a law enforcement officer, the  
 732 state attorney, or other responsible person, or upon its own  
 733 motion, may, if there is reasonable cause, issue an injunction  
 734 to prevent any act of child abuse. Reasonable cause for the  
 735 issuance of an injunction exists if there is evidence of child  
 736 abuse or if there is a reasonable likelihood of such abuse  
 737 occurring based upon a recent overt act or failure to act. If  
 738 there is a pending dependency proceeding regarding the child  
 739 whom the injunction is sought to protect, the judge hearing the  
 740 dependency proceeding must also hear the injunction proceeding  
 741 regarding the child.

742 (2) The petitioner seeking the injunction shall file a  
 743 verified petition, or a petition along with an affidavit,  
 744 setting forth the specific actions by the alleged offender from  
 745 which the child must be protected and all remedies sought. Upon  
 746 filing the petition, the court shall set a hearing to be held at  
 747 the earliest possible time. Pending the hearing, the court may  
 748 issue a temporary ex parte injunction, with verified pleadings  
 749 or affidavits as evidence. The temporary ex parte injunction  
 750 pending a hearing is effective for up to 15 days and the hearing

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751 must be held within that period unless continued for good cause  
752 shown, which may include obtaining service of process, in which  
753 case the temporary ex parte injunction shall be extended for the  
754 continuance period. The hearing may be held sooner if the  
755 alleged offender has received reasonable notice.

756 (3) Before the hearing, the alleged offender must be  
757 personally served with a copy of the petition, all other  
758 pleadings related to the petition, a notice of hearing, and, if  
759 one has been entered, the temporary injunction. If the  
760 petitioner cannot locate the alleged offender for service after  
761 a diligent search pursuant to the same requirements as in s.  
762 39.503 and the filing of an affidavit of diligent search, the  
763 court may enter the injunction based on the sworn petition and  
764 any affidavits. At the hearing, the court may base its  
765 determination on a sworn petition, testimony, or an affidavit  
766 and may hear all relevant and material evidence, including oral  
767 and written reports, to the extent of its probative value even  
768 though it would not be competent evidence at an adjudicatory  
769 hearing. Following the hearing, the court may enter a final  
770 injunction. The court may grant a continuance of the hearing at  
771 any time for good cause shown by any party. If a temporary  
772 injunction has been entered, it shall be continued during the  
773 continuance.

774 (4) If an injunction is issued under this section, the  
775 primary purpose of the injunction must be to protect and promote

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776 | the best interests of the child, taking the preservation of the  
 777 | child's immediate family into consideration.

778 |       (a) The injunction applies to the alleged or actual  
 779 | offender in a case of child abuse or acts of domestic violence.  
 780 | The conditions of the injunction shall be determined by the  
 781 | court, which may include ordering the alleged or actual offender  
 782 | to:

- 783 |       1. Refrain from further abuse or acts of domestic  
 784 | violence.
- 785 |       2. Participate in a specialized treatment program.
- 786 |       3. Limit contact or communication with the child victim,  
 787 | other children in the home, or any other child.
- 788 |       4. Refrain from contacting the child at home, school,  
 789 | work, or wherever the child may be found.
- 790 |       5. Have limited or supervised visitation with the child.
- 791 |       6. Vacate the home in which the child resides.
- 792 |       7. Comply with the terms of a safety plan implemented in  
 793 | the injunction pursuant to s. 39.301.

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

- 796 |       1. Exclusive use and possession of the dwelling to the  
 797 | caregiver or exclusion of the alleged or actual offender from  
 798 | the residence of the caregiver.
- 799 |       2. Temporary support for the child or other family  
 800 | members.



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801           3. The costs of medical, psychiatric, and psychological  
802 treatment for the child incurred due to the abuse, and similar  
803 costs for other family members.

804

805 This paragraph does not preclude an adult victim of domestic  
806 violence from seeking protection for himself or herself under s.  
807 741.30.

808           (c) The terms of the final injunction shall remain in  
809 effect until modified or dissolved by the court. The petitioner,  
810 respondent, or caregiver may move at any time to modify or  
811 dissolve the injunction. Notice of hearing on the motion to  
812 modify or dissolve the injunction must be provided to all  
813 parties, including the department. The injunction is valid and  
814 enforceable in all counties in the state.

815           (5) Service of process on the respondent shall be carried  
816 out pursuant to s. 741.30. The department shall deliver a copy  
817 of any injunction issued pursuant to this section to the  
818 protected party or to a parent, caregiver, or individual acting  
819 in the place of a parent who is not the respondent. Law  
820 enforcement officers may exercise their arrest powers as  
821 provided in s. 901.15(6) to enforce the terms of the injunction.

822           (6) Any person who fails to comply with an injunction  
823 issued pursuant to this section commits a misdemeanor of the  
824 first degree, punishable as provided in s. 775.082 or s.  
825 775.083.

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

829 Section 10. Paragraph (b) of subsection (7) of section  
830 39.507, Florida Statutes, is amended to read:

831 39.507 Adjudicatory hearings; orders of adjudication.—

832 (7)

833 (b) However, the court must determine whether each parent  
834 or legal custodian identified in the case abused, abandoned, or  
835 neglected the child or engaged in conduct that placed the child  
836 at substantial risk of imminent abuse, abandonment, or neglect  
837 in a subsequent evidentiary hearing. If a second parent is  
838 served and brought into the proceeding after the adjudication  
839 and if an ~~the~~ evidentiary hearing for the second parent is  
840 conducted subsequent to the adjudication of the child, the court  
841 shall supplement the adjudicatory order, disposition order, and  
842 the case plan, as necessary. The petitioner is not required to  
843 prove actual harm or actual abuse by the second parent in order  
844 for the court to make supplemental findings regarding the  
845 conduct of the second parent. The court is not required to  
846 conduct an evidentiary hearing for the second parent in order to  
847 supplement the adjudicatory order, the disposition order, and  
848 the case plan if the requirements of s. 39.506(3) or (5) are  
849 satisfied. With the exception of proceedings pursuant to s.  
850 39.811, the child's dependency status may not be retried or

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851 readjudicated.

852 Section 11. Paragraph (a) of subsection (2) of section  
853 39.5085, Florida Statutes, is amended to read:

854 39.5085 Relative Caregiver Program.—

855 (2) (a) The Department of Children and Families shall  
856 establish, ~~and operate,~~ and implement the Relative Caregiver  
857 Program ~~pursuant to eligibility guidelines established in this~~  
858 ~~section as further implemented~~ by rule of the department. The  
859 Relative Caregiver Program shall, within the limits of available  
860 funding, provide financial assistance to:

861 1. Relatives who are within the fifth degree by blood or  
862 marriage to the parent or stepparent of a child and who are  
863 caring full-time for that dependent child in the role of  
864 substitute parent as a result of a court's determination of  
865 child abuse, neglect, or abandonment and subsequent placement  
866 with the relative under this chapter.

867 2. Relatives who are within the fifth degree by blood or  
868 marriage to the parent or stepparent of a child and who are  
869 caring full-time for that dependent child, and a dependent half-  
870 brother or half-sister of that dependent child, in the role of  
871 substitute parent as a result of a court's determination of  
872 child abuse, neglect, or abandonment and subsequent placement  
873 with the relative under this chapter.

874 3. Nonrelatives who are willing to assume custody and care  
875 of a dependent child in the role of substitute parent as a

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876 result of a court's determination of child abuse, neglect, or  
877 abandonment and subsequent placement with the nonrelative  
878 caregiver under this chapter. The court must find that a  
879 proposed placement under this subparagraph is in the best  
880 interest of the child.

881 4. A relative or nonrelative caregiver, but the relative  
882 or nonrelative caregiver may not receive a Relative Caregiver  
883 Program payment if the parent or stepparent of the child resides  
884 in the home. However, a relative or nonrelative may receive the  
885 Relative Caregiver Program payment for a minor parent who is in  
886 his or her care, as well as for the minor parent's child, if  
887 both children have been adjudicated dependent and meet all other  
888 eligibility requirements. If the caregiver is currently  
889 receiving the payment, the Relative Caregiver Program payment  
890 must be terminated no later than the first of the following  
891 month after the parent or stepparent moves into the home,  
892 allowing for 10-day notice of adverse action.

893  
894 The placement may be court-ordered temporary legal custody to  
895 the relative or nonrelative under protective supervision of the  
896 department pursuant to s. 39.521(1)(c)3. ~~s. 39.521(1)(b)3.~~, or  
897 court-ordered placement in the home of a relative or nonrelative  
898 as a permanency option under s. 39.6221 or s. 39.6231 or under  
899 former s. 39.622 if the placement was made before July 1, 2006.  
900 The Relative Caregiver Program shall offer financial assistance

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901 to caregivers who would be unable to serve in that capacity  
902 without the caregiver payment because of financial burden, thus  
903 exposing the child to the trauma of placement in a shelter or in  
904 foster care.

905 Section 12. Subsections (1), (2), (6), and (7) of section  
906 39.521, Florida Statutes, are amended to read:

907 39.521 Disposition hearings; powers of disposition.—

908 (1) A disposition hearing shall be conducted by the court,  
909 if the court finds that the facts alleged in the petition for  
910 dependency were proven in the adjudicatory hearing, or if the  
911 parents or legal custodians have consented to the finding of  
912 dependency or admitted the allegations in the petition, have  
913 failed to appear for the arraignment hearing after proper  
914 notice, or have not been located despite a diligent search  
915 having been conducted.

916 (a) A written case plan and a family functioning  
917 assessment ~~predisposition study~~ prepared by an authorized agent  
918 of the department must be approved by ~~filed with~~ the court. The  
919 department must file the case plan and the family functioning  
920 assessment with the court, serve a copy of the case plan on,  
921 ~~served upon~~ the parents of the child, and provide a copy of the  
922 case plan ~~provided~~ to the representative of the guardian ad  
923 litem program, if the program has been appointed, and a copy  
924 ~~provided~~ to all other parties:

925 1. Not less than 72 hours before the disposition hearing,

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926 if the disposition hearing occurs on or after the 60th day after  
 927 the date the child was placed in out-of-home care. All such case  
 928 plans must be approved by the court.

929 2. Not less than 72 hours before the case plan acceptance  
 930 hearing, if the disposition hearing occurs before the 60th day  
 931 after the date the child was placed in out-of-home care and a  
 932 case plan has not been submitted pursuant to this paragraph, or  
 933 if the court does not approve the case plan at the disposition  
 934 hearing. The case plan acceptance hearing must occur, ~~the court~~  
 935 ~~must set a hearing~~ within 30 days after the disposition hearing  
 936 to review and approve the case plan.

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

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

946 1. Require the parent and, when appropriate, the legal  
 947 custodian and the child to participate in treatment and services  
 948 identified as necessary. The court may require the person who  
 949 has custody or who is requesting custody of the child to submit  
 950 to a mental health or substance abuse disorder assessment or

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951 evaluation. The order may be made only upon good cause shown and  
952 pursuant to notice and procedural requirements provided under  
953 the Florida Rules of Juvenile Procedure. The mental health  
954 assessment or evaluation must be administered by a qualified  
955 professional as defined in s. 39.01, and the substance abuse  
956 assessment or evaluation must be administered by a qualified  
957 professional as defined in s. 397.311. The court may also  
958 require such person to participate in and comply with treatment  
959 and services identified as necessary, including, when  
960 appropriate and available, participation in and compliance with  
961 a mental health court program established under chapter 394 or a  
962 treatment-based drug court program established under s. 397.334.  
963 Adjudication of a child as dependent based upon evidence of harm  
964 as defined in s. 39.01(30)(g) demonstrates good cause, and the  
965 court shall require the parent whose actions caused the harm to  
966 submit to a substance abuse disorder assessment or evaluation  
967 and to participate and comply with treatment and services  
968 identified in the assessment or evaluation as being necessary.  
969 In addition to supervision by the department, the court,  
970 including the mental health court program or the treatment-based  
971 drug court program, may oversee the progress and compliance with  
972 treatment by a person who has custody or is requesting custody  
973 of the child. The court may impose appropriate available  
974 sanctions for noncompliance upon a person who has custody or is  
975 requesting custody of the child or make a finding of

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976 noncompliance for consideration in determining whether an  
977 alternative placement of the child is in the child's best  
978 interests. Any order entered under this subparagraph may be made  
979 only upon good cause shown. This subparagraph does not authorize  
980 placement of a child with a person seeking custody of the child,  
981 other than the child's parent or legal custodian, who requires  
982 mental health or substance abuse disorder treatment.

983 2. Require, if the court deems necessary, the parties to  
984 participate in dependency mediation.

985 3. Require placement of the child either under the  
986 protective supervision of an authorized agent of the department  
987 in the home of one or both of the child's parents or in the home  
988 of a relative of the child or another adult approved by the  
989 court, or in the custody of the department. Protective  
990 supervision continues until the court terminates it or until the  
991 child reaches the age of 18, whichever date is first. Protective  
992 supervision shall be terminated by the court whenever the court  
993 determines that permanency has been achieved for the child,  
994 whether with a parent, another relative, or a legal custodian,  
995 and that protective supervision is no longer needed. The  
996 termination of supervision may be with or without retaining  
997 jurisdiction, at the court's discretion, and shall in either  
998 case be considered a permanency option for the child. The order  
999 terminating supervision by the department must set forth the  
1000 powers of the custodian of the child and include the powers



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1001 ordinarily granted to a guardian of the person of a minor unless  
1002 otherwise specified. Upon the court's termination of supervision  
1003 by the department, further judicial reviews are not required if  
1004 permanency has been established for the child.

1005 (d)~~(e)~~ At the conclusion of the disposition hearing, the  
1006 court shall schedule the initial judicial review hearing which  
1007 must be held no later than 90 days after the date of the  
1008 disposition hearing or after the date of the hearing at which  
1009 the court approves the case plan, whichever occurs earlier, but  
1010 in no event shall the review hearing be held later than 6 months  
1011 after the date of the child's removal from the home.

1012 (e)~~(d)~~ The court shall, in its written order of  
1013 disposition, include all of the following:

- 1014 1. The placement or custody of the child.
- 1015 2. Special conditions of placement and visitation.
- 1016 3. Evaluation, counseling, treatment activities, and other  
1017 actions to be taken by the parties, if ordered.
- 1018 4. The persons or entities responsible for supervising or  
1019 monitoring services to the child and parent.
- 1020 5. Continuation or discharge of the guardian ad litem, as  
1021 appropriate.
- 1022 6. The date, time, and location of the next scheduled  
1023 review hearing, which must occur within the earlier of:
  - 1024 a. Ninety days after the disposition hearing;
  - 1025 b. Ninety days after the court accepts the case plan;

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1026 c. Six months after the date of the last review hearing;  
 1027 or

1028 d. Six months after the date of the child's removal from  
 1029 his or her home, if no review hearing has been held since the  
 1030 child's removal from the home.

1031 7. If the child is in an out-of-home placement, child  
 1032 support to be paid by the parents, or the guardian of the  
 1033 child's estate if possessed of assets which under law may be  
 1034 disbursed for the care, support, and maintenance of the child.  
 1035 The court may exercise jurisdiction over all child support  
 1036 matters, shall adjudicate the financial obligation, including  
 1037 health insurance, of the child's parents or guardian, and shall  
 1038 enforce the financial obligation as provided in chapter 61. The  
 1039 state's child support enforcement agency shall enforce child  
 1040 support orders under this section in the same manner as child  
 1041 support orders under chapter 61. Placement of the child shall  
 1042 not be contingent upon issuance of a support order.

1043 8.a. If the court does not commit the child to the  
 1044 temporary legal custody of an adult relative, legal custodian,  
 1045 or other adult approved by the court, the disposition order  
 1046 shall include the reasons for such a decision and shall include  
 1047 a determination as to whether diligent efforts were made by the  
 1048 department to locate an adult relative, legal custodian, or  
 1049 other adult willing to care for the child in order to present  
 1050 that placement option to the court instead of placement with the

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1051 department.

1052       b. If no suitable relative is found and the child is  
 1053 placed with the department or a legal custodian or other adult  
 1054 approved by the court, both the department and the court shall  
 1055 consider transferring temporary legal custody to an adult  
 1056 relative approved by the court at a later date, but neither the  
 1057 department nor the court is obligated to so place the child if  
 1058 it is in the child's best interest to remain in the current  
 1059 placement.

1060

1061 For the purposes of this section, "diligent efforts to locate an  
 1062 adult relative" means a search similar to the diligent search  
 1063 for a parent, but without the continuing obligation to search  
 1064 after an initial adequate search is completed.

1065       9. Other requirements necessary to protect the health,  
 1066 safety, and well-being of the child, to preserve the stability  
 1067 of the child's educational placement, and to promote family  
 1068 preservation or reunification whenever possible.

1069       (f) ~~(e)~~ If the court finds that an in-home safety plan  
 1070 prepared or approved by the department ~~the prevention or~~  
 1071 ~~reunification efforts of the department~~ will allow the child to  
 1072 remain safely at home or that conditions for return have been  
 1073 met and an in-home safety plan prepared or approved by the  
 1074 department will allow the child to be safely returned to the  
 1075 home, the court shall allow the child to remain in or return to

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1076 | the home after making a specific finding of fact that ~~the~~  
 1077 | ~~reasons for removal have been remedied to the extent that~~ the  
 1078 | child's safety, well-being, and physical, mental, and emotional  
 1079 | health will not be endangered.

1080 |       (g)~~(f)~~ If the court places the child in an out-of-home  
 1081 | placement, the disposition order must include a written  
 1082 | determination that the child cannot safely remain at home with  
 1083 | an in-home safety plan ~~reunification or family preservation~~  
 1084 | ~~services~~ and that removal of the child is necessary to protect  
 1085 | the child. If the child is removed before the disposition  
 1086 | hearing, the order must also include a written determination as  
 1087 | to whether, after removal, the department made a reasonable  
 1088 | effort to reunify the parent and child. Reasonable efforts to  
 1089 | reunify are not required if the court finds that any of the acts  
 1090 | listed in s. 39.806(1)(f)-(l) have occurred. The department has  
 1091 | the burden of demonstrating that it made reasonable efforts.

1092 |       1. For the purposes of this paragraph, the term  
 1093 | "reasonable effort" means the exercise of reasonable diligence  
 1094 | and care by the department to provide the services ordered by  
 1095 | the court or delineated in the case plan.

1096 |       2. In support of its determination as to whether  
 1097 | reasonable efforts have been made, the court shall:

1098 |           a. Enter written findings as to whether an in-home safety  
 1099 | plan could have prevented removal ~~prevention or reunification~~  
 1100 | ~~efforts were indicated.~~

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1101           b. If an in-home safety plan was ~~prevention or~~  
 1102 ~~reunification efforts were~~ indicated, include a brief written  
 1103 description of what appropriate and available safety management  
 1104 services ~~prevention and reunification efforts were~~ initiated  
 1105 ~~made.~~

1106           c. Indicate in writing why further efforts could or could  
 1107 not have prevented or shortened the separation of the parent and  
 1108 child.

1109           3. A court may find that the department made a reasonable  
 1110 effort to prevent or eliminate the need for removal if:

1111           a. The first contact of the department with the family  
 1112 occurs during an emergency;

1113           b. The department's assessment ~~appraisal by the department~~  
 1114 of the home situation indicates a substantial and immediate  
 1115 danger to the child's safety or physical, mental, or emotional  
 1116 health which cannot be mitigated by the provision of safety  
 1117 management ~~preventive~~ services;

1118           c. The child cannot safely remain at home, because there  
 1119 are no safety management ~~preventive~~ services that can ensure the  
 1120 health and safety of the child or, even with appropriate and  
 1121 available services being provided, the health and safety of the  
 1122 child cannot be ensured; or

1123           d. The parent is alleged to have committed any of the acts  
 1124 listed as grounds for expedited termination of parental rights  
 1125 under s. 39.806(1)(f)-(l).

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1126 4. A reasonable effort by the department for reunification  
 1127 has been made if the appraisal of the home situation by the  
 1128 department indicates that the severity of the conditions of  
 1129 dependency is such that reunification efforts are inappropriate.  
 1130 The department has the burden of demonstrating to the court that  
 1131 reunification efforts were inappropriate.

1132 5. If the court finds that the provision of safety  
 1133 management services by ~~prevention or reunification effort of~~ the  
 1134 department would not have permitted the child to remain safely  
 1135 at home, the court may commit the child to the temporary legal  
 1136 custody of the department or take any other action authorized by  
 1137 this chapter.

1138 (2) The family functioning assessment ~~predisposition study~~  
 1139 must provide the court with the following documented  
 1140 information:

1141 (a) Evidence of maltreatment and the circumstances  
 1142 accompanying the maltreatment.

1143 (b) Identification of all danger threats active in the  
 1144 home.

1145 (c) An assessment of the adult functioning of the parents.

1146 (d) An assessment of the parents' general parenting  
 1147 practices and the parents' disciplinary approach and behavior  
 1148 management methods.

1149 (e) An assessment of the parents' behavioral, emotional,  
 1150 and cognitive protective capacities.

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1151 (f) An assessment of child functioning.

1152 (g) A safety analysis describing the capacity for an in-  
 1153 home safety plan to control the conditions that result in the  
 1154 child being unsafe and the specific actions necessary to keep  
 1155 the child safe.

1156 (h) Identification of the conditions for return which  
 1157 would allow the child to be placed safely back into the home  
 1158 with an in-home safety plan and any safety management services  
 1159 necessary to ensure the child's safety.

1160 ~~(a) The capacity and disposition of the parents to provide~~  
 1161 ~~the child with food, clothing, medical care, or other remedial~~  
 1162 ~~care recognized and permitted under the laws of this state in~~  
 1163 ~~lieu of medical care, and other material needs.~~

1164 ~~(b) The length of time the child has lived in a stable,~~  
 1165 ~~satisfactory environment and the desirability of maintaining~~  
 1166 ~~continuity.~~

1167 ~~(c) The mental and physical health of the parents.~~

1168 ~~(d) The home, school, and community record of the child.~~

1169 (i)-(e) The reasonable preference of the child, if the  
 1170 court deems the child to be of sufficient intelligence,  
 1171 understanding, and experience to express a preference.

1172 ~~(f) Evidence of domestic violence or child abuse.~~

1173 ~~(g) An assessment defining the dangers and risks of~~  
 1174 ~~returning the child home, including a description of the changes~~  
 1175 ~~in and resolutions to the initial risks.~~

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1176 ~~(h) A description of what risks are still present and what~~  
 1177 ~~resources are available and will be provided for the protection~~  
 1178 ~~and safety of the child.~~

1179 ~~(i) A description of the benefits of returning the child~~  
 1180 ~~home.~~

1181 ~~(j) A description of all unresolved issues.~~

1182 (j)(k) Child welfare ~~A Florida Abuse Hotline Information~~  
 1183 ~~System (FAHIS) history from the department's Statewide Automated~~  
 1184 Child Welfare Information System (SACWIS) and criminal records  
 1185 check for all caregivers, family members, and individuals  
 1186 residing within the household from which the child was removed.

1187 (k)(l) The complete report and recommendation of the child  
 1188 protection team of the Department of Health or, if no report  
 1189 exists, a statement reflecting that no report has been made.

1190 (l)(m) All opinions or recommendations from other  
 1191 professionals or agencies that provide evaluative, social,  
 1192 reunification, or other services to the parent and child.

1193 (m)(n) A listing of appropriate and available safety  
 1194 management ~~prevention and reunification~~ services for the parent  
 1195 and child to prevent the removal of the child from the home or  
 1196 to reunify the child with the parent after removal, ~~including~~  
 1197 ~~the availability of family preservation services~~ and an  
 1198 explanation of the following:

- 1199 1. If the services were or were not provided.
- 1200 2. If the services were provided, the outcome of the



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1201 services.

1202 3. If the services were not provided, why they were not  
1203 provided.

1204 4. If the services are currently being provided and if  
1205 they need to be continued.

1206 ~~(o) A listing of other prevention and reunification~~  
1207 ~~services that were available but determined to be inappropriate~~  
1208 ~~and why.~~

1209 ~~(p) Whether dependency mediation was provided.~~

1210 (n) ~~(q)~~ If the child has been removed from the home and  
1211 there is a parent who may be considered for custody pursuant to  
1212 this section, a recommendation as to whether placement of the  
1213 child with that parent would be detrimental to the child.

1214 (o) ~~(r)~~ If the child has been removed from the home and  
1215 will be remaining with a relative, parent, or other adult  
1216 approved by the court, a home study report concerning the  
1217 proposed placement shall be provided to the court ~~included in~~  
1218 ~~the predisposition report~~. Before recommending to the court any  
1219 out-of-home placement for a child other than placement in a  
1220 licensed shelter or foster home, the department shall conduct a  
1221 study of the home of the proposed legal custodians, which must  
1222 include, at a minimum:

1223 1. An interview with the proposed legal custodians to  
1224 assess their ongoing commitment and ability to care for the  
1225 child.

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1226           2. Records checks through the State Automated Child  
 1227 Welfare Information System (SACWIS), and local and statewide  
 1228 criminal and juvenile records checks through the Department of  
 1229 Law Enforcement, on all household members 12 years of age or  
 1230 older. In addition, the fingerprints of any household members  
 1231 who are 18 years of age or older may be submitted to the  
 1232 Department of Law Enforcement for processing and forwarding to  
 1233 the Federal Bureau of Investigation for state and national  
 1234 criminal history information. The department has the discretion  
 1235 to request State Automated Child Welfare Information System  
 1236 (SACWIS) and local, statewide, and national criminal history  
 1237 checks and fingerprinting of any other visitor to the home who  
 1238 is made known to the department. Out-of-state criminal records  
 1239 checks must be initiated for any individual who has resided in a  
 1240 state other than Florida if that state's laws allow the release  
 1241 of these records. The out-of-state criminal records must be  
 1242 filed with the court within 5 days after receipt by the  
 1243 department or its agent.

1244           3. An assessment of the physical environment of the home.

1245           4. A determination of the financial security of the  
 1246 proposed legal custodians.

1247           5. A determination of suitable child care arrangements if  
 1248 the proposed legal custodians are employed outside of the home.

1249           6. Documentation of counseling and information provided to  
 1250 the proposed legal custodians regarding the dependency process

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1251 and possible outcomes.

1252 7. Documentation that information regarding support  
 1253 services available in the community has been provided to the  
 1254 proposed legal custodians.

1255 8. The reasonable preference of the child, if the court  
 1256 deems the child to be of sufficient intelligence, understanding,  
 1257 and experience to express a preference.

1258  
 1259 The department may not place the child or continue the placement  
 1260 of the child in a home under shelter or postdisposition  
 1261 placement if the results of the home study are unfavorable,  
 1262 unless the court finds that this placement is in the child's  
 1263 best interest.

1264 (p)~~(s)~~ If the child has been removed from the home, a  
 1265 determination of the amount of child support each parent will be  
 1266 required to pay pursuant to s. 61.30.

1267 ~~(t) If placement of the child with anyone other than the~~  
 1268 ~~child's parent is being considered, the predisposition study~~  
 1269 ~~shall include the designation of a specific length of time as to~~  
 1270 ~~when custody by the parent will be reconsidered.~~

1271  
 1272 Any other relevant and material evidence, including other  
 1273 written or oral reports, may be received by the court in its  
 1274 effort to determine the action to be taken with regard to the  
 1275 child and may be relied upon to the extent of its probative

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1276 value, even though not competent in an adjudicatory hearing.  
 1277 Except as otherwise specifically provided, nothing in this  
 1278 section prohibits the publication of proceedings in a hearing.

1279 (6) With respect to a child who is the subject in  
 1280 proceedings under this chapter, the court may issue to the  
 1281 department an order to show cause why it should not return the  
 1282 child to the custody of the parents upon the presentation of  
 1283 evidence that the conditions for return of the child have been  
 1284 met ~~expiration of the case plan, or sooner if the parents have~~  
 1285 ~~substantially complied with the case plan.~~

1286 (7) The court may enter an order ending its jurisdiction  
 1287 over a child when a child has been returned to the parents,  
 1288 provided the court shall not terminate its jurisdiction or the  
 1289 department's supervision over the child until 6 months after the  
 1290 child's return. The department shall supervise the placement of  
 1291 the child after reunification for at least 6 months with each  
 1292 parent or legal custodian from whom the child was removed. The  
 1293 court shall determine whether its jurisdiction should be  
 1294 continued or terminated in such a case based on a report of the  
 1295 department or agency or the child's guardian ad litem, and any  
 1296 other relevant factors; if its jurisdiction is to be terminated,  
 1297 the court shall enter an order to that effect.

1298 Section 13. Subsections (2) and (3) of section 39.522,  
 1299 Florida Statutes, are amended to read:

1300 39.522 Postdisposition change of custody.—The court may

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1301 change the temporary legal custody or the conditions of  
1302 protective supervision at a postdisposition hearing, without the  
1303 necessity of another adjudicatory hearing.

1304 (2) In cases where the issue before the court is whether a  
1305 child should be reunited with a parent, the court shall review  
1306 the conditions for return and determine whether the  
1307 circumstances that caused the out-of-home placement and issues  
1308 subsequently identified have been remedied ~~parent has~~  
1309 ~~substantially complied with the terms of the case plan~~ to the  
1310 extent that the return of the child to the home with an in-home  
1311 safety plan prepared or approved by the department will not be  
1312 detrimental to the child's safety, well-being, and physical,  
1313 mental, and emotional health ~~of the child is not endangered by~~  
1314 ~~the return of the child to the home.~~

1315 (3) In cases where the issue before the court is whether a  
1316 child who is placed in the custody of a parent should be  
1317 reunited with the other parent upon a finding that the  
1318 circumstances that caused the out-of-home placement and issues  
1319 subsequently identified have been remedied to the extent that  
1320 the return of the child to the home of the other parent with an  
1321 in-home safety plan prepared or approved by the department will  
1322 not be detrimental to the child ~~of substantial compliance with~~  
1323 ~~the terms of the case plan~~, the standard shall be that the  
1324 safety, well-being, and physical, mental, and emotional health  
1325 of the child would not be endangered by reunification and that

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1326 reunification would be in the best interest of the child.  
 1327 Section 14. Effective January 1, 2018, section 39.523,  
 1328 Florida Statutes, is amended to read:  
 1329 (Substantial rewording of section. See  
 1330 s. 39.523, F.S., for present text.)  
 1331 39.523 Placement in out-of-home care.—  
 1332 (1) LEGISLATIVE FINDINGS AND INTENT.—  
 1333 (a) The Legislature finds that it is a basic tenet of  
 1334 child welfare practice and the law that a child be placed in the  
 1335 least restrictive, most family-like setting available in close  
 1336 proximity to the home of his or her parents which meets the  
 1337 needs of the child, and that a child be placed in a permanent  
 1338 home in a timely manner.  
 1339 (b) The Legislature also finds that there is an  
 1340 association between placements that do not meet the needs of the  
 1341 child and adverse outcomes for the child, that mismatching  
 1342 placements to children's needs has been identified as a factor  
 1343 that negatively impacts placement stability, and that  
 1344 identifying the right placement for each child requires  
 1345 effective assessment.  
 1346 (c) It is the intent of the Legislature that whenever a  
 1347 child is unable to safely remain at home with a parent, the most  
 1348 appropriate available out-of-home placement shall be chosen  
 1349 after an assessment of the child's needs and the availability of  
 1350 caregivers qualified to meet the child's needs.

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1351        (2) ASSESSMENT AND PLACEMENT.—When any child is removed  
1352 from a home and placed into out-of-home care, a comprehensive  
1353 placement assessment process shall be completed to determine the  
1354 level of care needed by the child and match the child with the  
1355 most appropriate placement.

1356        (a) The community-based care lead agency or sub-contracted  
1357 agency with the responsibility for assessment and placement must  
1358 coordinate a multi-disciplinary team staffing with any available  
1359 individual currently involved with the child including, but not  
1360 limited to, a representative from the department and the case  
1361 manager for the child; a therapist, attorney ad-litem, guardian  
1362 ad litem, teachers, coaches, Children's Medical Services; and  
1363 other community providers of services to the child or  
1364 stakeholders as applicable. The team may also include clergy,  
1365 relatives, and fictive kin if appropriate. Team participants  
1366 must gather data and information on the child which is known at  
1367 the time including, but not limited to:

- 1368        1. Mental, medical, behavioral health, and medication  
1369 history;
- 1370        2. Community ties and school placement;
- 1371        3. Current placement decisions relating to any siblings;
- 1372        4. Alleged type of abuse or neglect including sexual abuse  
1373 and trafficking history; and
- 1374        5. The child's age, maturity, strengths, hobbies or  
1375 activities, and the child's preference for placement.

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1376 (b) The comprehensive placement assessment process may  
1377 also include the use of an assessment instrument or tool that is  
1378 best suited for the individual child.

1379 (c) The most appropriate available out-of-home placement  
1380 shall be chosen after consideration by all members of the multi-  
1381 disciplinary team of all of the information and data gathered,  
1382 including the results and recommendations of any evaluations  
1383 conducted.

1384 (d) Placement decisions for each child in out-of-home  
1385 placement shall be reviewed as often as necessary to ensure  
1386 permanency for that child and address special issues related to  
1387 this population of children.

1388 (e) The department, a sheriff's office acting under s.  
1389 39.3065, a community-based care lead agency, or a case  
1390 management organization must document all placement assessments  
1391 and placement decisions in the Florida Safe Families Network.

1392 (f) If it is determined during the comprehensive placement  
1393 assessment process that residential treatment as defined in s.  
1394 39.407 would be suitable for the child, the procedures in that  
1395 section must be followed.

1396 (3) JUDICIAL REVIEW.—At each judicial review, the court  
1397 shall consider the results of the assessment, the placement  
1398 decision made for the child, and services provided to the child  
1399 as required under s. 39.701.

1400 (4) DATA COLLECTION.—The department shall collect the



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1401 following information by community-based care lead agencies and  
 1402 post it on the Department of Children and Families' website. The  
 1403 information is to be updated on January 1 and July 1 of each  
 1404 year.

1405 (a) The number of children placed with relatives and  
 1406 nonrelatives, in family foster homes, and in residential group  
 1407 care.

1408 (b) An inventory of available services that are necessary  
 1409 to maintain children in the least restrictive setting that meets  
 1410 the needs of the child and a plan for filling any identified gap  
 1411 in those services.

1412 (c) The number of children who were placed based upon the  
 1413 assessment.

1414 (d) An inventory of existing placements for children by  
 1415 type and by community-based care lead agency.

1416 (e) The strategies being used by community-based care lead  
 1417 agencies to recruit, train, and support an adequate number of  
 1418 families to provide home-based family care.

1419 (5) RULEMAKING.—The department may adopt rules to  
 1420 implement this section.

1421 Section 15. Subsection (1) of section 39.6011, Florida  
 1422 Statutes, is amended to read:

1423 39.6011 Case plan development.—

1424 (1) The department shall prepare a draft of the case plan  
 1425 for each child receiving services under this chapter. A parent

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1426 of a child may not be threatened or coerced with the loss of  
1427 custody or parental rights for failing to admit in the case plan  
1428 of abusing, neglecting, or abandoning a child. Participating in  
1429 the development of a case plan is not an admission to any  
1430 allegation of abuse, abandonment, or neglect, and it is not a  
1431 consent to a finding of dependency or termination of parental  
1432 rights. The case plan shall be developed subject to the  
1433 following requirements:

1434 (a) The case plan must be developed in a face-to-face  
1435 conference with the parent of the child, any court-appointed  
1436 guardian ad litem, and, if appropriate, the child and the  
1437 temporary custodian of the child.

1438 (b) Notwithstanding s. 39.202, the department may discuss  
1439 confidential information during the case planning conference in  
1440 the presence of individuals who participate in the conference.  
1441 All individuals who participate in the conference shall maintain  
1442 the confidentiality of all information shared during the case  
1443 planning conference.

1444 (c) ~~(b)~~ The parent may receive assistance from any person  
1445 or social service agency in preparing the case plan. The social  
1446 service agency, the department, and the court, when applicable,  
1447 shall inform the parent of the right to receive such assistance,  
1448 including the right to assistance of counsel.

1449 (d) ~~(e)~~ If a parent is unwilling or unable to participate  
1450 in developing a case plan, the department shall document that

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1451 unwillingness or inability to participate. The documentation  
 1452 must be provided in writing to the parent when available for the  
 1453 court record, and the department shall prepare a case plan  
 1454 conforming as nearly as possible with the requirements set forth  
 1455 in this section. The unwillingness or inability of the parent to  
 1456 participate in developing a case plan does not preclude the  
 1457 filing of a petition for dependency or for termination of  
 1458 parental rights. The parent, if available, must be provided a  
 1459 copy of the case plan and be advised that he or she may, at any  
 1460 time before the filing of a petition for termination of parental  
 1461 rights, enter into a case plan and that he or she may request  
 1462 judicial review of any provision of the case plan with which he  
 1463 or she disagrees at any court hearing set for the child.

1464 Section 16. Subsection (1) of section 39.6012, Florida  
 1465 Statutes, is amended to read:

1466 39.6012 Case plan tasks; services.—

1467 (1) The services to be provided to the parent and the  
 1468 tasks that must be completed are subject to the following:

1469 (a) The services described in the case plan must be  
 1470 designed to improve the conditions in the home and aid in  
 1471 maintaining the child in the home, facilitate the child's safe  
 1472 return to the home, ensure proper care of the child, or  
 1473 facilitate the child's permanent placement. The services offered  
 1474 must be the least intrusive possible into the life of the parent  
 1475 and child, must focus on clearly defined objectives, and must

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1476 provide the most efficient path to quick reunification or  
 1477 permanent placement given the circumstances of the case and the  
 1478 child's need for safe and proper care.

1479 (b) The case plan must describe each of the tasks with  
 1480 which the parent must comply and the services to be provided to  
 1481 the parent, specifically addressing the identified problem,  
 1482 including:

- 1483 1. The type of services or treatment.
- 1484 2. The date the department will provide each service or  
 1485 referral for the service if the service is being provided by the  
 1486 department or its agent.
- 1487 3. The date by which the parent must complete each task.
- 1488 4. The frequency of services or treatment provided. The  
 1489 frequency of the delivery of services or treatment provided  
 1490 shall be determined by the professionals providing the services  
 1491 or treatment on a case-by-case basis and adjusted according to  
 1492 their best professional judgment.
- 1493 5. The location of the delivery of the services.
- 1494 6. The staff of the department or service provider  
 1495 accountable for the services or treatment.
- 1496 7. A description of the measurable objectives, including  
 1497 the timeframes specified for achieving the objectives of the  
 1498 case plan and addressing the identified problem.

1499 (c) If there is evidence of harm as defined in s.  
 1500 39.01(30)(g), the case plan must include as a required task for

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1501 the parent whose actions caused the harm that the parent submit  
 1502 to a substance abuse disorder assessment or evaluation and  
 1503 participate and comply with treatment and services identified in  
 1504 the assessment or evaluation as being necessary.

1505 Section 17. Subsection (4) of section 39.6035, Florida  
 1506 Statutes, is amended to read:

1507 39.6035 Transition plan.—

1508 ~~(4) If a child is planning to leave care upon reaching 18~~  
 1509 ~~years of age,~~ The transition plan must be approved by the court  
 1510 before the child's 18th birthday and must be attached to the  
 1511 case plan and updated before each judicial review ~~child leaves~~  
 1512 ~~care and the court terminates jurisdiction.~~

1513 Section 18. Present subsections (2) through (11) of  
 1514 section 39.621, Florida Statutes, are redesignated as  
 1515 subsections (3) through (12), respectively, and a new subsection  
 1516 (2) is added to that section, to read:

1517 39.621 Permanency determination by the court.—

1518 (2) The permanency goal of maintaining and strengthening  
 1519 the placement with a parent may be used in all of the following  
 1520 circumstances:

1521 (a) If a child has not been removed from a parent, even if  
 1522 adjudication of dependency is withheld, the court may leave the  
 1523 child in the current placement with maintaining and  
 1524 strengthening the placement as a permanency option.

1525 (b) If a child has been removed from a parent and is

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1526 placed with the parent from whom the child was not removed, the  
 1527 court may leave the child in the placement with the parent from  
 1528 whom the child was not removed with maintaining and  
 1529 strengthening the placement as a permanency option.

1530 (c) If a child has been removed from a parent and is  
 1531 subsequently reunified with that parent, the court may leave the  
 1532 child with that parent with maintaining and strengthening the  
 1533 placement as a permanency option.

1534 Section 19. Subsection (7) is added to section 39.6221,  
 1535 Florida Statutes, to read:

1536 39.6221 Permanent guardianship of a dependent child.—

1537 (7) The requirements of s. 61.13001 do not apply to  
 1538 permanent guardianships established under this section.

1539 Section 20. Paragraph (h) is added to subsection (1) of  
 1540 section 39.701, Florida Statutes, to read:

1541 39.701 Judicial review.—

1542 (1) GENERAL PROVISIONS.—

1543 (h) If a child is born into a family that is under the  
 1544 court's jurisdiction or a child moves into a home that is under  
 1545 the court's jurisdiction, the department shall assess the  
 1546 child's safety and provide notice to the court.

1547 1. The department shall complete an assessment to  
 1548 determine how the addition of a child will impact family  
 1549 functioning. The assessment must be completed at least 30 days  
 1550 before a child is expected to be born or to move into a home, or

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1551 within 72 hours after the department learns of the pregnancy or  
 1552 addition if the child is expected to be born or to move into the  
 1553 home in less than 30 days. The assessment shall be filed with  
 1554 the court.

1555 2. Once a child is born into a family or a child moves  
 1556 into the home, the department shall complete a progress update  
 1557 and file it with the court.

1558 3. The court has the discretion to hold a hearing on the  
 1559 progress update filed by the department.

1560 Section 21. Subsection (3) of section 39.801, Florida  
 1561 Statutes, is amended to read:

1562 39.801 Procedures and jurisdiction; notice; service of  
 1563 process.—

1564 (3) Before the court may terminate parental rights, in  
 1565 addition to the other requirements set forth in this part, the  
 1566 following requirements must be met:

1567 (a) Notice of the date, time, and place of the advisory  
 1568 hearing for the petition to terminate parental rights and a copy  
 1569 of the petition must be personally served upon the following  
 1570 persons, specifically notifying them that a petition has been  
 1571 filed:

- 1572 1. The parents of the child.
- 1573 2. The legal custodians of the child.
- 1574 3. If the parents who would be entitled to notice are dead  
 1575 or unknown, a living relative of the child, unless upon diligent

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1576 search and inquiry no such relative can be found.

1577 4. Any person who has physical custody of the child.

1578 5. Any grandparent entitled to priority for adoption under  
1579 s. 63.0425.

1580 6. Any prospective parent who has been identified under s.  
1581 39.503 or s. 39.803, unless a court order has been entered  
1582 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which  
1583 indicates no further notice is required. Except as otherwise  
1584 provided in this section, if there is not a legal father, notice  
1585 of the petition for termination of parental rights must be  
1586 provided to any known prospective father who is identified under  
1587 oath before the court or who is identified by a diligent search  
1588 of the Florida Putative Father Registry. Service of the notice  
1589 of the petition for termination of parental rights is not  
1590 required if the prospective father executes an affidavit of  
1591 nonpaternity or a consent to termination of his parental rights  
1592 which is accepted by the court after notice and opportunity to  
1593 be heard by all parties to address the best interests of the  
1594 child in accepting such affidavit.

1595 7. The guardian ad litem for the child or the  
1596 representative of the guardian ad litem program, if the program  
1597 has been appointed.

1598

1599 The document containing the notice to respond or appear must  
1600 contain, in type at least as large as the type in the balance of



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1601 the document, the following or substantially similar language:  
 1602 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING  
 1603 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF  
 1604 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND  
 1605 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE  
 1606 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS  
 1607 NOTICE."

1608 (b) If a party required to be served with notice as  
 1609 prescribed in paragraph (a) cannot be served, notice of hearings  
 1610 must be given as prescribed by the rules of civil procedure, and  
 1611 service of process must be made as specified by law or civil  
 1612 actions.

1613 (c) Notice as prescribed by this section may be waived, in  
 1614 the discretion of the judge, with regard to any person to whom  
 1615 notice must be given under this subsection if the person  
 1616 executes, before two witnesses and a notary public or other  
 1617 officer authorized to take acknowledgments, a written surrender  
 1618 of the child to a licensed child-placing agency or the  
 1619 department.

1620 (d) If the person served with notice under this section  
 1621 fails to personally appear at the advisory hearing, the failure  
 1622 to personally appear shall constitute consent for termination of  
 1623 parental rights by the person given notice. If a parent appears  
 1624 for the advisory hearing and the court orders that parent to  
 1625 personally appear at the adjudicatory hearing for the petition

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1626 for termination of parental rights, stating the date, time, and  
 1627 location of said hearing, then failure of that parent to  
 1628 personally appear at the adjudicatory hearing shall constitute  
 1629 consent for termination of parental rights.

1630 Section 22. Section 39.803, Florida Statutes, is amended  
 1631 to read:

1632 39.803 Identity or location of parent unknown after filing  
 1633 of termination of parental rights petition; special procedures.—

1634 (1) If the identity or location of a parent is unknown and  
 1635 a petition for termination of parental rights is filed, the  
 1636 court shall conduct under oath the following inquiry of the  
 1637 parent who is available, or, if no parent is available, of any  
 1638 relative, caregiver, or legal custodian of the child who is  
 1639 present at the hearing and likely to have the information:

1640 (a) Whether the mother of the child was married at the  
 1641 probable time of conception of the child or at the time of birth  
 1642 of the child.

1643 (b) Whether the mother was cohabiting with a male at the  
 1644 probable time of conception of the child.

1645 (c) Whether the mother has received payments or promises  
 1646 of support with respect to the child or because of her pregnancy  
 1647 from a man who claims to be the father.

1648 (d) Whether the mother has named any man as the father on  
 1649 the birth certificate of the child or in connection with  
 1650 applying for or receiving public assistance.

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1651 (e) Whether any man has acknowledged or claimed paternity  
 1652 of the child in a jurisdiction in which the mother resided at  
 1653 the time of or since conception of the child, or in which the  
 1654 child has resided or resides.

1655 (f) Whether a man is named on the birth certificate of the  
 1656 child pursuant to s. 382.013(2).

1657 (g) Whether a man has been determined by a court order to  
 1658 be the father of the child.

1659 (h) Whether a man has been determined to be the father of  
 1660 the child by the Department of Revenue as provided in s.  
 1661 409.256.

1662 (2) The information required in subsection (1) may be  
 1663 supplied to the court or the department in the form of a sworn  
 1664 affidavit by a person having personal knowledge of the facts.

1665 (3) If the inquiry under subsection (1) identifies any  
 1666 person as a parent or prospective parent, the court shall  
 1667 require notice of the hearing to be provided to that person.

1668 (4) If the inquiry under subsection (1) fails to identify  
 1669 any person as a parent or prospective parent, the court shall so  
 1670 find and may proceed without further notice.

1671 (5) If the inquiry under subsection (1) identifies a  
 1672 parent or prospective parent, and that person's location is  
 1673 unknown, the court shall direct the petitioner to conduct a  
 1674 diligent search for that person before scheduling an  
 1675 adjudicatory hearing regarding the petition for termination of

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1676 | parental rights to the child unless the court finds that the  
1677 | best interest of the child requires proceeding without actual  
1678 | notice to the person whose location is unknown.

1679 |         (6) The diligent search required by subsection (5) must  
1680 | include, at a minimum, inquiries of all known relatives of the  
1681 | parent or prospective parent, inquiries of all offices of  
1682 | program areas of the department likely to have information about  
1683 | the parent or prospective parent, inquiries of other state and  
1684 | federal agencies likely to have information about the parent or  
1685 | prospective parent, inquiries of appropriate utility and postal  
1686 | providers, a thorough search of at least one electronic database  
1687 | specifically designed for locating persons, a search of the  
1688 | Florida Putative Father Registry, and inquiries of appropriate  
1689 | law enforcement agencies. Pursuant to s. 453 of the Social  
1690 | Security Act, 42 U.S.C. s. 653(c)(4), the department, as the  
1691 | state agency administering Titles IV-B and IV-E of the act,  
1692 | shall be provided access to the federal and state parent locator  
1693 | service for diligent search activities.

1694 |         (7) Any agency contacted by petitioner with a request for  
1695 | information pursuant to subsection (6) shall release the  
1696 | requested information to the petitioner without the necessity of  
1697 | a subpoena or court order.

1698 |         (8) If the inquiry and diligent search identifies a  
1699 | prospective parent, that person must be given the opportunity to  
1700 | become a party to the proceedings by completing a sworn

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1701 affidavit of parenthood and filing it with the court or the  
 1702 department. A prospective parent who files a sworn affidavit of  
 1703 parenthood while the child is a dependent child but no later  
 1704 than at the time of or before ~~prior to~~ the adjudicatory hearing  
 1705 in the termination of parental rights proceeding for the child  
 1706 shall be considered a parent for all purposes under this  
 1707 section.

1708 (9) If the diligent search under subsection (5) fails to  
 1709 identify and locate a prospective parent, the court shall so  
 1710 find and may proceed without further notice.

1711 Section 23. Paragraph (1) of subsection (1) of section  
 1712 39.806, Florida Statutes, is amended, and subsections (2) and  
 1713 (3) of that section are republished, to read:

1714 39.806 Grounds for termination of parental rights.—

1715 (1) Grounds for the termination of parental rights may be  
 1716 established under any of the following circumstances:

1717 (1) On three or more occasions the child or another child  
 1718 of the parent or parents has been placed in out-of-home care  
 1719 pursuant to this chapter or the law of any state, territory, or  
 1720 jurisdiction of the United States which is substantially similar  
 1721 to this chapter, and the conditions that led to the child's out-  
 1722 of-home placement were caused by the parent or parents.

1723 (2) Reasonable efforts to preserve and reunify families  
 1724 are not required if a court of competent jurisdiction has  
 1725 determined that any of the events described in paragraphs

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1726 (1) (b)-(d) or paragraphs (1) (f)-(m) have occurred.

1727 (3) If a petition for termination of parental rights is  
 1728 filed under subsection (1), a separate petition for dependency  
 1729 need not be filed and the department need not offer the parents  
 1730 a case plan having a goal of reunification, but may instead file  
 1731 with the court a case plan having a goal of termination of  
 1732 parental rights to allow continuation of services until the  
 1733 termination is granted or until further orders of the court are  
 1734 issued.

1735 Section 24. Subsection (6) of section 39.811, Florida  
 1736 Statutes, is amended to read:

1737 39.811 Powers of disposition; order of disposition.—

1738 (6) The parental rights of one parent may be severed  
 1739 without severing the parental rights of the other parent only  
 1740 under the following circumstances:

1741 (a) If the child has only one surviving parent;

1742 (b) If the identity of a prospective parent has been  
 1743 established as unknown after sworn testimony;

1744 (c) If the parent whose rights are being terminated became  
 1745 a parent through a single-parent adoption;

1746 (d) If the protection of the child demands termination of  
 1747 the rights of a single parent; or

1748 (e) If the parent whose rights are being terminated meets  
 1749 any of the criteria specified in s. 39.806(1) (c), (d), (f), (g),  
 1750 (h), (i), (j), (k), (l), (m), or (n) and ~~(f)-(m)~~.

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1751           Section 25. Paragraph (b) of subsection (4) of section  
 1752 125.901, Florida Statutes, is amended to read:  
 1753           125.901 Children's services; independent special district;  
 1754 council; powers, duties, and functions; public records  
 1755 exemption.—  
 1756           (4)  
 1757           (b)1.a. Notwithstanding paragraph (a), the governing body  
 1758 of the county shall submit the question of retention or  
 1759 dissolution of a district with voter-approved taxing authority  
 1760 to the electorate in the general election according to the  
 1761 following schedule:  
 1762           (I) For a district in existence on July 1, 2010, and  
 1763 serving a county with a population of 400,000 or fewer persons  
 1764 as of that date.....2014.  
 1765           (II) For a district in existence on July 1, 2010, and  
 1766 serving a county with a population of 2 million or more persons  
 1767 as of that date, unless the governing body of the county has  
 1768 previously submitted such question voluntarily to the electorate  
 1769 for a second time since 2005,.....2020.  
 1770           b. A referendum by the electorate on or after July 1,  
 1771 2010, creating a new district with taxing authority may specify  
 1772 that the district is not subject to reauthorization or may  
 1773 specify the number of years for which the initial authorization  
 1774 shall remain effective. If the referendum does not prescribe  
 1775 terms of reauthorization, the governing body of the county shall

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1776 submit the question of retention or dissolution of the district  
1777 to the electorate in the general election 12 years after the  
1778 initial authorization.

1779         2. The governing body of the district may specify, and  
1780 submit to the governing body of the county no later than 9  
1781 months before the scheduled election, that the district is not  
1782 subsequently subject to reauthorization or may specify the  
1783 number of years for which a reauthorization under this paragraph  
1784 shall remain effective. If the governing body of the district  
1785 makes such specification and submission, the governing body of  
1786 the county shall include that information in the question  
1787 submitted to the electorate. If the governing body of the  
1788 district does not specify and submit such information, the  
1789 governing body of the county shall resubmit the question of  
1790 reauthorization to the electorate every 12 years after the year  
1791 prescribed in subparagraph 1. The governing body of the district  
1792 may recommend to the governing body of the county language for  
1793 the question submitted to the electorate.

1794         3. Nothing in this paragraph limits the authority to  
1795 dissolve a district as provided under paragraph (a).

1796         4. Nothing in this paragraph precludes the governing body  
1797 of a district from requesting that the governing body of the  
1798 county submit the question of retention or dissolution of a  
1799 district with voter-approved taxing authority to the electorate  
1800 at a date earlier than the year prescribed in subparagraph 1. If



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1801 the governing body of the county accepts the request and submits  
 1802 the question to the electorate, the governing body satisfies the  
 1803 requirement of that subparagraph.

1804  
 1805 If any district is dissolved pursuant to this subsection, each  
 1806 county must first obligate itself to assume the debts,  
 1807 liabilities, contracts, and outstanding obligations of the  
 1808 district within the total millage available to the county  
 1809 governing body for all county and municipal purposes as provided  
 1810 for under s. 9, Art. VII of the State Constitution. Any district  
 1811 may also be dissolved pursuant to part VII of chapter 189.

1812 Section 26. Paragraphs (g) and (h) of subsection (2) of  
 1813 section 394.463, Florida Statutes, are amended to read:

1814 394.463 Involuntary examination.—

1815 (2) INVOLUNTARY EXAMINATION.—

1816 (g) The examination period must be for up to 72 hours. For  
 1817 a minor, the examination shall be initiated within 12 hours  
 1818 after the patient's arrival at the facility. Within the ~~72-hour~~  
 1819 examination period or, if the examination period ~~72 hours~~ ends  
 1820 on a weekend or holiday, no later than the next working day  
 1821 thereafter, one of the following actions must be taken, based on  
 1822 the individual needs of the patient:

1823 1. The patient shall be released, unless he or she is  
 1824 charged with a crime, in which case the patient shall be  
 1825 returned to the custody of a law enforcement officer;

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1826           2. The patient shall be released, subject to ~~the~~  
 1827 ~~provisions of~~ subparagraph 1., for voluntary outpatient  
 1828 treatment;

1829           3. The patient, unless he or she is charged with a crime,  
 1830 shall be asked to give express and informed consent to placement  
 1831 as a voluntary patient and, if such consent is given, the  
 1832 patient shall be admitted as a voluntary patient; or

1833           4. A petition for involuntary services shall be filed in  
 1834 the circuit court if inpatient treatment is deemed necessary or  
 1835 with the criminal county court, as defined in s. 394.4655(1), as  
 1836 applicable. When inpatient treatment is deemed necessary, the  
 1837 least restrictive treatment consistent with the optimum  
 1838 improvement of the patient's condition shall be made available.  
 1839 When a petition is to be filed for involuntary outpatient  
 1840 placement, it shall be filed by one of the petitioners specified  
 1841 in s. 394.4655(4) (a). A petition for involuntary inpatient  
 1842 placement shall be filed by the facility administrator.

1843           (h) A person for whom an involuntary examination has been  
 1844 initiated who is being evaluated or treated at a hospital for an  
 1845 emergency medical condition specified in s. 395.002 must be  
 1846 examined by a facility within the examination period specified  
 1847 in paragraph (g) ~~72 hours~~. The examination ~~72-hour~~ period begins  
 1848 when the patient arrives at the hospital and ceases when the  
 1849 attending physician documents that the patient has an emergency  
 1850 medical condition. If the patient is examined at a hospital

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1851 providing emergency medical services by a professional qualified  
1852 to perform an involuntary examination and is found as a result  
1853 of that examination not to meet the criteria for involuntary  
1854 outpatient services pursuant to s. 394.4655(2) or involuntary  
1855 inpatient placement pursuant to s. 394.467(1), the patient may  
1856 be offered voluntary services or placement, if appropriate, or  
1857 released directly from the hospital providing emergency medical  
1858 services. The finding by the professional that the patient has  
1859 been examined and does not meet the criteria for involuntary  
1860 inpatient services or involuntary outpatient placement must be  
1861 entered into the patient's clinical record. This paragraph is  
1862 not intended to prevent a hospital providing emergency medical  
1863 services from appropriately transferring a patient to another  
1864 hospital before stabilization if the requirements of s.  
1865 395.1041(3) (c) have been met.

1866       Section 27. (1) There is created a task force within the  
1867 Department of Children and Families to address the issue of  
1868 involuntary examinations under s. 394.463, Florida Statutes, of  
1869 children age 17 years and younger. The task force shall, at a  
1870 minimum, analyze data on the initiation of involuntary  
1871 examinations of children, research the root causes of any trends  
1872 in such involuntary examinations, identify and evaluate options  
1873 for expediting examinations for children, and identify  
1874 recommendations for encouraging alternatives to and eliminating  
1875 inappropriate initiations of such examinations. The task force

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1876 shall submit a report of its findings to the Governor, the  
 1877 President of the Senate, and the Speaker of the House of  
 1878 Representatives on or before November 15, 2017.

1879 (2) The Secretary of Children and Families or his or her  
 1880 designee shall chair the task force, which shall consist of the  
 1881 following members appointed by the secretary:

1882 (a) The Commissioner of Education or his or her designee.

1883 (b) A representative of the Florida Public Defender  
 1884 Association.

1885 (c) A representative of the Florida Association of  
 1886 District School Superintendents.

1887 (d) A representative of the Florida Sheriffs Association.

1888 (e) A representative of the Florida Police Chiefs  
 1889 Association.

1890 (f) A representative of the Florida Council for Community  
 1891 Mental Health.

1892 (g) A representative of the Florida Alcohol and Drug Abuse  
 1893 Association.

1894 (h) A representative of the Behavioral Health Care Council  
 1895 of the Florida Hospital Association.

1896 (i) A representative of the Florida Psychiatric Society.

1897 (j) A representative of the National Alliance on Mental  
 1898 Illness.

1899 (k) One individual who is a family member of a minor who  
 1900 has been subject to an involuntary examination.

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1901           (1) Other members as deemed appropriate by the Secretary  
 1902 of Children and Families.

1903           (3) The department shall use existing and available  
 1904 resources to administer and support the activities of the task  
 1905 force. Members of the task force shall serve without  
 1906 compensation and are not entitled to reimbursement for per diem  
 1907 or travel expense. The task force may conduct its meetings by  
 1908 teleconference.

1909           (4) This section expires March 31, 2018.

1910           Section 28. Paragraph (g) of subsection (4) of section  
 1911 395.3025, Florida Statutes, is amended, and subsection (8) of  
 1912 that section is republished, to read:

1913           395.3025 Patient and personnel records; copies;  
 1914 examination.—

1915           (4) Patient records are confidential and must not be  
 1916 disclosed without the consent of the patient or his or her legal  
 1917 representative, but appropriate disclosure may be made without  
 1918 such consent to:

1919           (g) The Department of Children and Families, ~~or~~ or its agent,  
 1920 or its contracted entity, for the purpose of investigations of  
 1921 or services for cases of abuse, neglect, or exploitation of  
 1922 children or vulnerable adults.

1923           (8) Patient records at hospitals and ambulatory surgical  
 1924 centers are exempt from disclosure under s. 119.07(1), except as  
 1925 provided by subsections (1)-(5).

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1926 Section 29. Subsections (2) and (6) of section 402.40,  
 1927 Florida Statutes, are amended to read:

1928 402.40 Child welfare training and certification.—

1929 (2) DEFINITIONS.—As used in this section, the term:

1930 (a) "Child welfare certification" means a professional  
 1931 credential awarded by a department-approved third-party  
 1932 credentialing entity to individuals demonstrating core  
 1933 competency in any child welfare practice area.

1934 (b) "Child welfare services" means any intake, protective  
 1935 investigations, preprotective services, protective services,  
 1936 foster care, shelter and group care, and adoption and related  
 1937 services program, including supportive services and supervision  
 1938 provided to children who are alleged to have been abused,  
 1939 abandoned, or neglected or who are at risk of becoming, are  
 1940 alleged to be, or have been found dependent pursuant to chapter  
 1941 39.

1942 (c) "Child welfare trainer" means any person providing  
 1943 training for the purposes of child welfare professionals earning  
 1944 certification.

1945 (d)~~(e)~~ "Core competency" means the minimum knowledge,  
 1946 skills, and abilities necessary to carry out work  
 1947 responsibilities.

1948 (e)~~(d)~~ "Person providing child welfare services" means a  
 1949 person who has a responsibility for supervisory, direct care, or  
 1950 support-related work in the provision of child welfare services

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1951 | pursuant to chapter 39.

1952 |       ~~(f)(e)~~ "Preservice curriculum" means the minimum statewide  
 1953 | training content based upon the core competencies which is made  
 1954 | available to all persons providing child welfare services.

1955 |       ~~(g)(f)~~ "Third-party credentialing entity" means a  
 1956 | department-approved nonprofit organization that has met  
 1957 | nationally recognized standards for developing and administering  
 1958 | professional certification programs.

1959 |       (6) ADOPTION OF RULES.—The Department of Children and  
 1960 | Families shall adopt rules necessary to carry out ~~the provisions~~  
 1961 | ~~of this section,~~ including the requirements for child welfare  
 1962 | trainers.

1963 |       Section 30. Section 409.16742, Florida Statutes, is  
 1964 | created to read:

1965 |       409.16742 Shared family care residential services program  
 1966 | for substance-exposed newborns.—

1967 |       (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
 1968 | that there is evidence that, with appropriate support and  
 1969 | training, some families can remain safely together without court  
 1970 | involvement or traumatic separations. Therefore, it is the  
 1971 | intent of the Legislature that alternative types of placement  
 1972 | options be available which provide both safety for substance-  
 1973 | exposed newborns and an opportunity for parents recovering from  
 1974 | substance abuse disorders to achieve independence while living  
 1975 | together in a protective, nurturing family environment.

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1976           (2) ESTABLISHMENT OF PILOT PROGRAM.—The department shall  
 1977 establish a shared family care residential services program to  
 1978 serve substance-exposed newborns and their families through a  
 1979 contract with the designated lead agency established in  
 1980 accordance with s. 409.987 or with a private entity capable of  
 1981 providing residential care that satisfies the requirements of  
 1982 this section. The private entity or lead agency is responsible  
 1983 for all programmatic functions necessary to carry out the intent  
 1984 of this section. As used in this section, the term "shared  
 1985 family care" means out-of-home care in which an entire family in  
 1986 need is temporarily placed in the home of a family who is  
 1987 trained to mentor and support the biological parents as they  
 1988 develop the caring skills and supports necessary for independent  
 1989 living.

1990           (3) SERVICES.—The department shall specify services that  
 1991 must be made available to newborns and their families through  
 1992 the pilot program.

1993           Section 31. Section 409.992, Florida Statutes, is amended  
 1994 to read:

1995           409.992 Lead agency expenditures.—

1996           (1) The procurement of commodities or contractual services  
 1997 by lead agencies shall be governed by the financial guidelines  
 1998 developed by the department and must comply with applicable  
 1999 state and federal law and follow good business practices.

2000 Pursuant to s. 11.45, the Auditor General may provide technical



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2001 advice in the development of the financial guidelines.

2002 (2) Notwithstanding any other provision of law, a  
2003 community-based care lead agency may make expenditures for staff  
2004 cellular telephone allowances, contracts requiring deferred  
2005 payments and maintenance agreements, security deposits for  
2006 office leases, related agency professional membership dues other  
2007 than personal professional membership dues, promotional  
2008 materials, and grant writing services. Expenditures for food and  
2009 refreshments, other than those provided to clients in the care  
2010 of the agency or to foster parents, adoptive parents, and  
2011 caseworkers during training sessions, are not allowable.

2012 (3) Notwithstanding any other provision of law, a  
2013 community-based care lead agency administrative employee may not  
2014 receive a salary, whether base pay or base pay combined with any  
2015 bonus or incentive payments, in excess of 150 percent of the  
2016 annual salary paid to the secretary of the Department of  
2017 Children and Families from state-appropriated funds, including  
2018 state-appropriated federal funds. This subsection does not  
2019 prohibit any party from providing cash that is not from  
2020 appropriated state funds to a community-based care lead agency  
2021 administrative employee.

2022 (4)~~(3)~~ A lead community-based care agency and its  
2023 subcontractors are exempt from state travel policies as provided  
2024 in s. 112.061(3)(a) for their travel expenses incurred in order  
2025 to comply with the requirements of this section.

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2026 Section 32. Subsections (22) and (23) are added to section  
 2027 409.996, Florida Statutes, to read:

2028 409.996 Duties of the Department of Children and  
 2029 Families.—The department shall contract for the delivery,  
 2030 administration, or management of care for children in the child  
 2031 protection and child welfare system. In doing so, the department  
 2032 retains responsibility for the quality of contracted services  
 2033 and programs and shall ensure that services are delivered in  
 2034 accordance with applicable federal and state statutes and  
 2035 regulations.

2036 (22) The department shall develop, in collaboration with  
 2037 the Florida Institute for Child Welfare, lead agencies, service  
 2038 providers, current and former foster children placed in  
 2039 residential group care, and other community stakeholders, a  
 2040 statewide accountability system for residential group care  
 2041 providers based on measureable quality standards.

2042 (a) The accountability system must:

2043 1. Promote high quality in services and accommodations,  
 2044 differentiating between shift and family-style models and  
 2045 programs and services for children with specialized or  
 2046 extraordinary needs, such as pregnant teens and children with  
 2047 Department of Juvenile Justice involvement.

2048 2. Include a quality measurement system with domains and  
 2049 clearly defined levels of quality. The system must measure the  
 2050 level of quality for each domain, using criteria that

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2051 residential group care providers must meet in order to achieve  
2052 each level of quality. Domains may include, but are not limited  
2053 to, admissions, service planning, treatment planning, living  
2054 environment, and program and service requirements. The system  
2055 may also consider outcomes 6 months and 12 months after a child  
2056 leaves the provider's care. However, the system may not assign a  
2057 single summary rating to residential group care providers.

2058 3. Consider the level of availability of trauma-informed  
2059 care and mental health and physical health services, providers'  
2060 engagement with the schools children in their care attend, and  
2061 opportunities for children's involvement in extracurricular  
2062 activities.

2063 (b) After development and implementation of the  
2064 accountability system in accordance with paragraph (a), the  
2065 department and each lead agency shall use the information from  
2066 the accountability system to promote enhanced quality in  
2067 residential group care within their respective areas of  
2068 responsibility. Such promotion may include, but is not limited  
2069 to, the use of incentives and ongoing contract monitoring  
2070 efforts.

2071 (c) The department shall submit a report to the Governor,  
2072 the President of the Senate, and the Speaker of the House of  
2073 Representatives by October 1 of each year, with the first report  
2074 due October 1, 2017. The report must, at a minimum, include an  
2075 update on the development of a statewide accountability system

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2076 for residential group care providers and a plan for department  
 2077 oversight and implementation of the statewide accountability  
 2078 system. After implementation of the statewide accountability  
 2079 system, the report must also include a description of the  
 2080 system, including measures and any tools developed, a  
 2081 description of how the information is being used by the  
 2082 department and lead agencies, an assessment of placement of  
 2083 children in residential group care using data from the  
 2084 accountability system measures, and recommendations to further  
 2085 improve quality in residential group care.

2086 (d) The accountability system must be implemented by July  
 2087 1, 2022.

2088 (e) Nothing in this subsection impairs the department's  
 2089 licensure authority under s. 409.175.

2090 (f) The department may adopt rules to administer this  
 2091 subsection.

2092 (23) (a) The department, in collaboration with the Florida  
 2093 Institute for Child Welfare, shall convene a workgroup on foster  
 2094 home quality. The workgroup, at a minimum, shall identify  
 2095 measures of foster home quality, review current efforts by lead  
 2096 agencies and subcontractors to enhance foster home quality,  
 2097 identify barriers to the greater availability of high-quality  
 2098 foster homes, and recommend additional strategies for assessing  
 2099 the quality of foster homes and increasing the availability of  
 2100 high-quality foster homes.

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2101 (b) The workgroup shall include representatives from the  
2102 department, the Florida Institute for Child Welfare, foster  
2103 parents, current and former foster children, foster parent  
2104 organizations, lead agencies, child-placing agencies, other  
2105 service providers, and others as determined by the department.

2106 (c) The Florida Institute for Child Welfare shall provide  
2107 the workgroup with relevant research on, at a minimum, measures  
2108 of quality of foster homes; evidence-supported strategies to  
2109 increase the availability of high-quality foster homes, such as  
2110 those regarding recruitment, screening, training, retention, and  
2111 child placement; descriptions and results of quality improvement  
2112 efforts in other jurisdictions; and the root causes of placement  
2113 disruption.

2114 (d) The department shall submit a report to the Governor,  
2115 the President of the Senate, and the Speaker of the House of  
2116 Representatives by November 15, 2017. The report shall, at a  
2117 minimum:

2118 1. Describe the important dimensions of quality for foster  
2119 homes;

2120 2. Describe the foster home quality enhancement efforts in  
2121 the state, including, but not limited to, recruitment,  
2122 retention, placement procedures, systems change, and quality  
2123 measurement programs, and any positive or negative results;

2124 3. Identify barriers to the greater availability of high-  
2125 quality foster homes;

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2126 4. Discuss available research regarding high-quality  
 2127 foster homes; and

2128 5. Present a plan for developing and implementing  
 2129 strategies to increase the availability of high-quality foster  
 2130 homes. The strategies shall address important elements of  
 2131 quality, be based on available research, include both  
 2132 qualitative and quantitative measures of quality, integrate with  
 2133 the community-based care model, and be respectful of the privacy  
 2134 and needs of foster parents. The plan shall recommend possible  
 2135 instruments and measures and identify any changes to general law  
 2136 or rule necessary for implementation.

2137 Section 33. Paragraph (a) of subsection (7) of section  
 2138 456.057, Florida Statutes, is amended to read:

2139 456.057 Ownership and control of patient records; report  
 2140 or copies of records to be furnished; disclosure of  
 2141 information.—

2142 (7) (a) Except as otherwise provided in this section and in  
 2143 s. 440.13(4) (c), such records may not be furnished to, and the  
 2144 medical condition of a patient may not be discussed with, any  
 2145 person other than the patient, the patient's legal  
 2146 representative, or other health care practitioners and providers  
 2147 involved in the patient's care or treatment, except upon written  
 2148 authorization from the patient. However, such records may be  
 2149 furnished without written authorization under the following  
 2150 circumstances:

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2151 1. To any person, firm, or corporation that has procured  
2152 or furnished such care or treatment with the patient's consent.

2153 2. When compulsory physical examination is made pursuant  
2154 to Rule 1.360, Florida Rules of Civil Procedure, in which case  
2155 copies of the medical records shall be furnished to both the  
2156 defendant and the plaintiff.

2157 3. In any civil or criminal action, unless otherwise  
2158 prohibited by law, upon the issuance of a subpoena from a court  
2159 of competent jurisdiction and proper notice to the patient or  
2160 the patient's legal representative by the party seeking such  
2161 records.

2162 4. For statistical and scientific research, provided the  
2163 information is abstracted in such a way as to protect the  
2164 identity of the patient or provided written permission is  
2165 received from the patient or the patient's legal representative.

2166 5. To a regional poison control center for purposes of  
2167 treating a poison episode under evaluation, case management of  
2168 poison cases, or compliance with data collection and reporting  
2169 requirements of s. 395.1027 and the professional organization  
2170 that certifies poison control centers in accordance with federal  
2171 law.

2172 6. To the Department of Children and Families, its agent,  
2173 or its contracted entity, for the purpose of investigations of  
2174 or services for cases of abuse, neglect, or exploitation of  
2175 children or vulnerable adults.

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2176 Section 34. Section 409.141, Florida Statutes, is  
 2177 repealed.

2178 Section 35. Section 409.1677, Florida Statutes, is  
 2179 repealed.

2180 Section 36. Section 743.067, Florida Statutes, is amended  
 2181 to read:

2182 743.067 Certified unaccompanied homeless youths.—

2183 (1) For purposes of this section, an "unaccompanied  
 2184 homeless youth" is an individual who is 16 years of age or older  
 2185 and is:

2186 (a) Found by a school district's liaison for homeless  
 2187 children and youths to be an unaccompanied homeless youth  
 2188 eligible for services pursuant to the McKinney-Vento Homeless  
 2189 Assistance Act, 42 U.S.C. ss. 11431-11435; or

2190 (b) Believed to qualify as an unaccompanied homeless  
 2191 youth, as that term is defined in the McKinney-Vento Homeless  
 2192 Assistance Act, by:

2193 1. The director of an emergency shelter program funded by  
 2194 the United States Department of Housing and Urban Development,  
 2195 or the director's designee;

2196 2. The director of a runaway or homeless youth basic  
 2197 center or transitional living program funded by the United  
 2198 States Department of Health and Human Services, or the  
 2199 director's designee; or

2200 ~~3. A clinical social worker licensed under chapter 491; or~~



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2201 ~~4. A circuit court.~~

2202 3. A continuum of care lead agency, or its designee.

2203 (2) (a) The State Office on Homelessness within the

2204 Department of Children and Families shall develop a standardized

2205 form that must be used by the entities specified in subsection

2206 (1) to certify qualifying unaccompanied homeless youth. The

2207 front of the form must include the circumstances that qualify

2208 the youth; the date the youth was certified; and the name,

2209 title, and signature of the certifying individual. This section

2210 must be reproduced in its entirety on the back of the form ~~A~~

2211 ~~minor who qualifies as an unaccompanied homeless youth shall be~~

2212 ~~issued a written certificate documenting his or her status by~~

2213 ~~the appropriate individual as provided in subsection (1). The~~

2214 ~~certificate shall be issued on the official letterhead~~

2215 ~~stationery of the person making the determination and shall~~

2216 ~~include the date of the finding, a citation to this section, and~~

2217 ~~the signature of the individual making the finding.~~

2218 (b) A certified unaccompanied homeless youth may use the

2219 completed form to apply at no charge for an identification card

2220 issued by the Department of Highway Safety and Motor Vehicles

2221 pursuant to s. 322.051(9).

2222 (c) A health care provider may accept the written

2223 certificate as proof of the minor's status as a certified ~~an~~

2224 unaccompanied homeless youth and may keep a copy of the

2225 certificate in the youth's medical file.

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2226           (3) A certified ~~an~~ unaccompanied homeless youth may:

2227           (a) Petition the circuit court to have the disabilities of

2228 nonage removed under s. 743.015. The youth shall qualify as a

2229 person not required to prepay costs and fees as provided in s.

2230 57.081. The court shall advance the cause on the calendar.

2231           (b) Notwithstanding s. 394.4625(1), consent to medical,

2232 dental, psychological, substance abuse, and surgical diagnosis

2233 and treatment, including preventative care and care by a

2234 facility licensed under chapter 394, chapter 395, or chapter 397

2235 and any forensic medical examination for the purpose of

2236 investigating any felony offense under chapter 784, chapter 787,

2237 chapter 794, chapter 800, or chapter 827, for:

2238           1. Himself or herself; or

2239           2. His or her child, if the certified unaccompanied

2240 homeless youth is unmarried, is the parent of the child, and has

2241 actual custody of the child.

2242           (4) This section does not affect the requirements of s.

2243 390.01114.

2244           Section 37. Paragraph (f) of subsection (1) of section

2245 1009.25, Florida Statutes, is amended to read:

2246           1009.25 Fee exemptions.—

2247           (1) The following students are exempt from the payment of

2248 tuition and fees, including lab fees, at a school district that

2249 provides workforce education programs, Florida College System

2250 institution, or state university:

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2251 (f) A student who lacks a fixed, regular, and adequate  
 2252 nighttime residence or whose primary nighttime residence is a  
 2253 public or private shelter designed to provide temporary  
 2254 residence, a public or private transitional living program for  
 2255 individuals intended to be institutionalized, or a public or  
 2256 private place not designed for, or ordinarily used as, a regular  
 2257 sleeping accommodation for human beings. This includes a student  
 2258 who would otherwise meet the requirements of this paragraph, as  
 2259 determined by a college or university, but for his or her  
 2260 residence in college or university dormitory housing.

2261 Section 38. Subsection (1) of section 39.524, Florida  
 2262 Statutes, is amended to read:

2263 39.524 Safe-harbor placement.—

2264 (1) Except as provided in s. 39.407 or s. 985.801, a  
 2265 dependent child 6 years of age or older who has been found to be  
 2266 a victim of sexual exploitation as defined in s. 39.01(71)(g) ~~s.~~  
 2267 ~~39.01(70)(g)~~ must be assessed for placement in a safe house or  
 2268 safe foster home as provided in s. 409.1678 using the initial  
 2269 screening and assessment instruments provided in s. 409.1754(1).  
 2270 If such placement is determined to be appropriate for the child  
 2271 as a result of this assessment, the child may be placed in a  
 2272 safe house or safe foster home, if one is available. However,  
 2273 the child may be placed in another setting, if the other setting  
 2274 is more appropriate to the child's needs or if a safe house or  
 2275 safe foster home is unavailable, as long as the child's

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2276 | behaviors are managed so as not to endanger other children  
 2277 | served in that setting.

2278 |       Section 39. Paragraph (p) of subsection (4) of section  
 2279 | 394.495, Florida Statutes, is amended to read:

2280 |       394.495 Child and adolescent mental health system of care;  
 2281 | programs and services.—

2282 |       (4) The array of services may include, but is not limited  
 2283 | to:

2284 |       (p) Trauma-informed services for children who have  
 2285 | suffered sexual exploitation as defined in s. 39.01(71)(g) ~~s.~~  
 2286 | ~~39.01(70)(g)~~.

2287 |       Section 40. Paragraph (c) of subsection (1) and paragraphs  
 2288 | (a) and (b) of subsection (6) of section 409.1678, Florida  
 2289 | Statutes, are amended to read:

2290 |       409.1678 Specialized residential options for children who  
 2291 | are victims of sexual exploitation.—

2292 |       (1) DEFINITIONS.—As used in this section, the term:

2293 |       (c) "Sexually exploited child" means a child who has  
 2294 | suffered sexual exploitation as defined in s. 39.01(71)(g) ~~s.~~  
 2295 | ~~39.01(70)(g)~~ and is ineligible for relief and benefits under the  
 2296 | federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101  
 2297 | et seq.

2298 |       (6) LOCATION INFORMATION.—

2299 |       (a) Information about the location of a safe house, safe  
 2300 | foster home, or other residential facility serving victims of

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2301 sexual exploitation, as defined in s. 39.01(71)(g) ~~s.~~  
 2302 ~~39.01(70)(g)~~, which is held by an agency, as defined in s.  
 2303 119.011, is confidential and exempt from s. 119.07(1) and s.  
 2304 24(a), Art. I of the State Constitution. This exemption applies  
 2305 to such confidential and exempt information held by an agency  
 2306 before, on, or after the effective date of the exemption.

2307 (b) Information about the location of a safe house, safe  
 2308 foster home, or other residential facility serving victims of  
 2309 sexual exploitation, as defined in s. 39.01(71)(g) ~~s.~~  
 2310 ~~39.01(70)(g)~~, may be provided to an agency, as defined in s.  
 2311 119.011, as necessary to maintain health and safety standards  
 2312 and to address emergency situations in the safe house, safe  
 2313 foster home, or other residential facility.

2314 Section 41. Subsection (5) of section 960.065, Florida  
 2315 Statutes, is amended to read:

2316 960.065 Eligibility for awards.—

2317 (5) A person is not ineligible for an award pursuant to  
 2318 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that  
 2319 person is a victim of sexual exploitation of a child as defined  
 2320 in s. 39.01(71)(g) ~~s. 39.01(70)(g)~~.

2321 Section 42. Section 409.1679, Florida Statutes, is amended  
 2322 to read:

2323 409.1679 Additional requirements; reimbursement  
 2324 methodology.—

2325 (1) Each program established under s. 409.1676 ~~ss.~~

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2326 ~~409.1676 and 409.1677~~ must meet the following expectations,  
2327 which must be included in its contracts with the department or  
2328 lead agency:

2329 (a) No more than 10 percent of the children served may  
2330 move from one living environment to another, unless the child is  
2331 returned to family members or is moved, in accordance with the  
2332 treatment plan, to a less-restrictive setting. Each child must  
2333 have a comprehensive transitional plan that identifies the  
2334 child's living arrangement upon leaving the program and specific  
2335 steps and services that are being provided to prepare for that  
2336 arrangement. Specific expectations as to the time period  
2337 necessary for the achievement of these permanency goals must be  
2338 included in the contract.

2339 (b) Each child must receive a full academic year of  
2340 appropriate educational instruction. No more than 10 percent of  
2341 the children may be in more than one academic setting in an  
2342 academic year, unless the child is being moved, in accordance  
2343 with an educational plan, to a less-restrictive setting. Each  
2344 child must demonstrate academic progress and must be performing  
2345 at grade level or at a level commensurate with a valid academic  
2346 assessment.

2347 (c) Siblings must be kept together in the same living  
2348 environment 100 percent of the time, unless that is determined  
2349 by the provider not to be in the children's best interest. When  
2350 siblings are separated in placement, the decision must be

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2351 reviewed and approved by the court within 30 days.

2352 (d) The program must experience a caregiver turnover rate  
 2353 and an incidence of child runaway episodes which are at least 50  
 2354 percent below the rates experienced in the rest of the state.

2355 (e) In addition to providing a comprehensive assessment,  
 2356 the program must provide, 100 percent of the time, any or all of  
 2357 the following services that are indicated through the  
 2358 assessment: residential care; transportation; behavioral health  
 2359 services; recreational activities; clothing, supplies, and  
 2360 miscellaneous expenses associated with caring for these  
 2361 children; necessary arrangements for or provision of educational  
 2362 services; and necessary and appropriate health and dental care.

2363 (f) The children who are served in this program must be  
 2364 satisfied with the services and living environment.

2365 (g) The caregivers must be satisfied with the program.

2366 (2) ~~Notwithstanding the provisions of s. 409.141,~~ The  
 2367 Department of Children and Families shall fairly and reasonably  
 2368 reimburse the programs established under s. 409.1676 ~~ss.~~  
 2369 ~~409.1676 and 409.1677~~ based on a prospective per diem rate,  
 2370 which must be specified annually in the General Appropriations  
 2371 Act. Funding for these programs shall be made available from  
 2372 resources appropriated and identified in the General  
 2373 Appropriations Act.

2374 Section 43. Subsection (11) of section 1002.3305, Florida  
 2375 Statutes, is amended to read:

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2376 | 1002.3305 College-Preparatory Boarding Academy Pilot  
 2377 | Program for at-risk students.—

2378 | (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~  
 2379 | ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an  
 2380 | operator may house and educate dependent, at-risk youth in its  
 2381 | residential school for the purpose of facilitating the mission  
 2382 | of the program and encouraging innovative practices.

2383 | Section 44. For the purpose of incorporating the amendment  
 2384 | made by this act to section 456.057, Florida Statutes, in a  
 2385 | reference thereto, subsection (2) of section 483.181, Florida  
 2386 | Statutes, is reenacted to read:

2387 | 483.181 Acceptance, collection, identification, and  
 2388 | examination of specimens.—

2389 | (2) The results of a test must be reported directly to the  
 2390 | licensed practitioner or other authorized person who requested  
 2391 | it, and appropriate disclosure may be made by the clinical  
 2392 | laboratory without a patient's consent to other health care  
 2393 | practitioners and providers involved in the care or treatment of  
 2394 | the patient as specified in s. 456.057(7)(a). The report must  
 2395 | include the name and address of the clinical laboratory in which  
 2396 | the test was actually performed, unless the test was performed  
 2397 | in a hospital laboratory and the report becomes an integral part  
 2398 | of the hospital record.

2399 | Section 45. The sum of \$250,000 from nonrecurring general  
 2400 | revenue is appropriated to the Department of Children and



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2401 | Families the 2017-2018 fiscal year for the purpose of  
2402 | implementing a shared family care residential services pilot  
2403 | program to serve substance-exposed newborns and their families  
2404 | pursuant to s. 409.16742, Florida Statutes.

2405 |       Section 46. Except as otherwise expressly provided in this  
2406 | act, this act shall take effect July 1, 2017.