

1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; providing a definition; conforming cross-
4 references; amending s. 39.522, F.S.; providing
5 factors a court must consider when determining whether
6 a child should remain in his or her own home or be
7 placed in out-of-home care; amending s. 39.6011, F.S.;
8 requiring certain parties to a case plan to
9 communicate effectively; requiring the court to be
10 notified if ineffective communication takes place;
11 amending s. 39.701, F.S.; requiring a foster parent or
12 legal custodian to disclose to the court any
13 communication not in compliance with the case plan;
14 providing for agency and caregiver recommendations for
15 a change in visitation; requiring a court and citizen
16 review panel to determine whether certain parties
17 communicate effectively; providing factors a court
18 must consider when determining whether a child should
19 be returned to the custody of his or her parents;
20 amending s. 409.988, F.S.; authorizing a lead agency
21 to provide more than 35 percent of all child welfare
22 services under certain conditions; requiring a certain
23 group to review a request for an exemption from the
24 services threshold; providing membership requirements
25 for the group; creating s. 775.0851, F.S.; providing a

26 definition; providing enhanced penalties for certain
 27 offenses committed against a foster parent; amending
 28 ss. 39.302, 39.521, 39.6012, 322.09, 394.495, 627.746,
 29 934.255, and 960.065, F.S.; conforming cross-
 30 references; providing an effective date.

31
 32 Be It Enacted by the Legislature of the State of Florida:

33
 34 Section 1. Subsections (20) through (87) of section 39.01,
 35 Florida Statutes, are renumbered as subsections (21) through
 36 (88) respectively, subsection (10) and present subsection (37)
 37 are amended, and a new subsection (20) is added to that section,
 38 to read:

39 39.01 Definitions.—When used in this chapter, unless the
 40 context otherwise requires:

41 (10) "Caregiver" means the parent, legal custodian,
 42 permanent guardian, adult household member, or other person
 43 responsible for a child's welfare as defined in this section
 44 ~~subsection (54)~~.

45 (20) "Conditions for return" means the minimum conditions
 46 that must exist with respect to a specific family's
 47 circumstances, including, but not limited by, the home
 48 environment, behavior, and safety resources, to allow for
 49 reunification to occur with the use of an in-home safety plan.

50 (38)-(37) "Institutional child abuse or neglect" means

51 situations of known or suspected child abuse or neglect in which
52 the person allegedly perpetrating the child abuse or neglect is
53 an employee of a private school, public or private day care
54 center, residential home, institution, facility, or agency or
55 any other person at such institution responsible for the child's
56 care as defined in this section ~~subsection (54)~~.

57 Section 2. Subsection (3) of section 39.522, Florida
58 Statutes, is renumbered as subsection (4), and a new subsection
59 (3) is added to that section to read:

60 39.522 Postdisposition change of custody.—The court may
61 change the temporary legal custody or the conditions of
62 protective supervision at a postdisposition hearing, without the
63 necessity of another adjudicatory hearing.

64 (3) In cases where the issue before the court is whether a
65 child who has remained in his or her own home with an in-home
66 safety plan, or who has been reunited with a parent with an in-
67 home safety plan, should remain in that placement or should be
68 placed in out-of-home care, the court shall place the child in
69 out-of-home care if the parent is unlikely, within a reasonable
70 amount of time, to achieve the full protective capacities needed
71 for the child to be reunified without an in-home safety plan and
72 for the court to end protective supervision without endangering
73 the child's safety, well-being, and physical, mental, and
74 emotional health. In making its determination, the court shall
75 consider all of the following:

76 (a) The circumstances that caused the child's dependency
 77 and other issues subsequently identified.

78 (b) The length of time the child has been placed in his or
 79 her own home with an in-home safety plan.

80 (c) The parent's current level of protective capacities.

81 (d) The increase in the parent's demonstrated level of
 82 protective capacities since the child's placement in his or her
 83 own home given the length of time the child has been placed
 84 there.

85
 86 The court shall also evaluate the child's permanency goal and
 87 shall change the permanency goal if doing so would be in the
 88 best interest of the child.

89 Section 3. Paragraphs (b) through (d) of subsection (4)
 90 are redesignated as paragraphs (c) through and (e),
 91 respectively, and a new paragraph (b) is added to subsection (4)
 92 of that section to read:

93 39.6011 Case plan development.—

94 (4) The case plan must describe:

95 (b) The responsibility of the parents and caregivers to
 96 communicate effectively, which includes, but is not limited to,
 97 refraining from harassing communication, to promote the safety,
 98 well-being, and physical, mental, and emotional health of the
 99 child. A parent or caregiver shall notify the court if
 100 ineffective communication takes place;

101 Section 4. Paragraphs (a), (c), and (d) of subsection (2)
 102 of section 39.701, Florida Statutes, are amended to read:

103 39.701 Judicial review.—

104 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF
 105 AGE.—

106 (a) Social study report for judicial review.—Before every
 107 judicial review hearing or citizen review panel hearing, the
 108 social service agency shall make an investigation and social
 109 study concerning all pertinent details relating to the child and
 110 shall furnish to the court or citizen review panel a written
 111 report that includes, but is not limited to:

112 1. A description of the type of placement the child is in
 113 at the time of the hearing, including the safety of the child
 114 and the continuing necessity for and appropriateness of the
 115 placement.

116 2. Documentation of the diligent efforts made by all
 117 parties to the case plan to comply with each applicable
 118 provision of the plan.

119 3. The amount of fees assessed and collected during the
 120 period of time being reported.

121 4. The services provided to the foster family or legal
 122 custodian in an effort to address the needs of the child as
 123 indicated in the case plan.

124 5. A statement that either:

125 a. The parent, though able to do so, did not comply

126 substantially with the case plan, and the agency
127 recommendations;

128 b. The parent did substantially comply with the case plan;
129 or

130 c. The parent has partially complied with the case plan,
131 with a summary of additional progress needed and the agency
132 recommendations.

133 6. A statement from the foster parent or legal custodian
134 providing any material evidence concerning the return of the
135 child to the parent or parents, including, but not limited to,
136 any communication that is not in compliance with the case plan.

137 7. A statement concerning the frequency, duration, and
138 results of the parent-child visitation, if any, and the agency
139 and caregiver recommendations for an expansion or restriction of
140 future visitation.

141 8. The number of times a child has been removed from his
142 or her home and placed elsewhere, the number and types of
143 placements that have occurred, and the reason for the changes in
144 placement.

145 9. The number of times a child's educational placement has
146 been changed, the number and types of educational placements
147 which have occurred, and the reason for any change in placement.

148 10. If the child has reached 13 years of age but is not
149 yet 18 years of age, a statement from the caregiver on the
150 progress the child has made in acquiring independent living

151 skills.

152 11. Copies of all medical, psychological, and educational
153 records that support the terms of the case plan and that have
154 been produced concerning the parents or any caregiver since the
155 last judicial review hearing.

156 12. Copies of the child's current health, mental health,
157 and education records as identified in s. 39.6012.

158 (c) Review determinations.—The court and any citizen
159 review panel shall take into consideration the information
160 contained in the social services study and investigation and all
161 medical, psychological, and educational records that support the
162 terms of the case plan; testimony by the social services agency,
163 the parent, the foster parent or legal custodian, the guardian
164 ad litem or surrogate parent for educational decisionmaking if
165 one has been appointed for the child, and any other person
166 deemed appropriate; and any relevant and material evidence
167 submitted to the court, including written and oral reports to
168 the extent of their probative value. These reports and evidence
169 may be received by the court in its effort to determine the
170 action to be taken with regard to the child and may be relied
171 upon to the extent of their probative value, even though not
172 competent in an adjudicatory hearing. In its deliberations, the
173 court and any citizen review panel shall seek to determine:

174 1. If the parent was advised of the right to receive
175 assistance from any person or social service agency in the

176 preparation of the case plan.

177 2. If the parent has been advised of the right to have
178 counsel present at the judicial review or citizen review
179 hearings. If not so advised, the court or citizen review panel
180 shall advise the parent of such right.

181 3. If a guardian ad litem needs to be appointed for the
182 child in a case in which a guardian ad litem has not previously
183 been appointed or if there is a need to continue a guardian ad
184 litem in a case in which a guardian ad litem has been appointed.

185 4. Who holds the rights to make educational decisions for
186 the child. If appropriate, the court may refer the child to the
187 district school superintendent for appointment of a surrogate
188 parent or may itself appoint a surrogate parent under the
189 Individuals with Disabilities Education Act and s. 39.0016.

190 5. The compliance or lack of compliance of all parties
191 with applicable items of the case plan, including the parents'
192 compliance with child support orders.

193 6. The compliance or lack of compliance with a visitation
194 contract between the parent and the social service agency for
195 contact with the child, including the frequency, duration, and
196 results of the parent-child visitation and the reason for any
197 noncompliance.

198 7. The frequency, kind, and duration of contacts among
199 siblings who have been separated during placement, as well as
200 any efforts undertaken to reunite separated siblings if doing so

201 is in the best interest of the child.

202 8. The compliance or lack of compliance of the parent in
203 meeting specified financial obligations pertaining to the care
204 of the child, including the reason for failure to comply, if
205 applicable.

206 9. Whether the child is receiving safe and proper care
207 according to s. 39.6012, including, but not limited to, the
208 appropriateness of the child's current placement, including
209 whether the child is in a setting that is as family-like and as
210 close to the parent's home as possible, consistent with the
211 child's best interests and special needs, and including
212 maintaining stability in the child's educational placement, as
213 documented by assurances from the community-based care provider
214 that:

215 a. The placement of the child takes into account the
216 appropriateness of the current educational setting and the
217 proximity to the school in which the child is enrolled at the
218 time of placement.

219 b. The community-based care agency has coordinated with
220 appropriate local educational agencies to ensure that the child
221 remains in the school in which the child is enrolled at the time
222 of placement.

223 10. A projected date likely for the child's return home or
224 other permanent placement.

225 11. When appropriate, the basis for the unwillingness or

226 inability of the parent to become a party to a case plan. The
 227 court and the citizen review panel shall determine if the
 228 efforts of the social service agency to secure party
 229 participation in a case plan were sufficient.

230 12. For a child who has reached 13 years of age but is not
 231 yet 18 years of age, the adequacy of the child's preparation for
 232 adulthood and independent living. For a child who is 15 years of
 233 age or older, the court shall determine if appropriate steps are
 234 being taken for the child to obtain a driver license or
 235 learner's driver license.

236 13. If amendments to the case plan are required.
 237 Amendments to the case plan must be made under s. 39.6013.

238 14. Whether the parent and caregiver communicate
 239 effectively to promote the safety, well-being, and physical,
 240 mental, and emotional health of the child, which includes, but
 241 is not limited to, refraining from harassing communication.

242 (d) Orders.—

243 1. Based upon the criteria set forth in paragraph (c) and
 244 the recommended order of the citizen review panel, if any, the
 245 court shall determine whether or not the social service agency
 246 shall initiate proceedings to have a child declared a dependent
 247 child, return the child to the parent, continue the child in
 248 out-of-home care for a specified period of time, or initiate
 249 termination of parental rights proceedings for subsequent
 250 placement in an adoptive home. Amendments to the case plan must

251 be prepared as prescribed in s. 39.6013. If the court finds that
252 the prevention or reunification efforts of the department will
253 allow the child to remain safely at home or be safely returned
254 to the home, the court shall allow the child to remain in or
255 return to the home after making a specific finding of fact that
256 the reasons for the creation of the case plan have been remedied
257 to the extent that the child's safety, well-being, and physical,
258 mental, and emotional health will not be endangered.

259 2. The court shall return the child to the custody of the
260 parents at any time it determines that evidence has been
261 provided that either conditions for return have been met and an
262 in-home safety plan can be implemented or a parent has
263 ~~they have~~ substantially complied with the case plan and is
264 likely to complete the case plan in a reasonable amount of time,
265 and if the court is satisfied that reunification will not be
266 detrimental to the child's safety, well-being, and physical,
267 mental, and emotional health.

268 3. If, in the opinion of the court, the social service
269 agency has not complied with its obligations as specified in the
270 written case plan, the court may find the social service agency
271 in contempt, shall order the social service agency to submit its
272 plans for compliance with the agreement, and shall require the
273 social service agency to show why the child could not safely be
274 returned to the home of the parents.

275 4. If, at any judicial review, the court finds that the

276 | parents have failed to substantially comply with the case plan
277 | to the degree that further reunification efforts are without
278 | merit and not in the best interest of the child, on its own
279 | motion, the court may order the filing of a petition for
280 | termination of parental rights, whether or not the time period
281 | as contained in the case plan for substantial compliance has
282 | expired.

283 | 5. Within 6 months after the date that the child was
284 | placed in shelter care, the court shall conduct a judicial
285 | review hearing to review the child's permanency goal as
286 | identified in the case plan. At the hearing the court shall make
287 | findings regarding the likelihood of the child's reunification
288 | with the parent or legal custodian. In making such findings, the
289 | court shall consider the level of the parent or legal
290 | custodian's compliance with the case plan and demonstrated
291 | change in protective capacities compared to that necessary to
292 | achieve timely reunification within 12 months after the removal
293 | of the child from the home. The court shall also consider the
294 | frequency, duration, manner, and level of engagement of the
295 | parent or legal custodian's visitation with the child in
296 | compliance with the case plan. If the court makes a written
297 | finding that it is not likely that the child will be reunified
298 | with the parent or legal custodian within 12 months after the
299 | child was removed from the home, the department must file with
300 | the court, and serve on all parties, a motion to amend the case

301 plan under s. 39.6013 and declare that it will use concurrent
302 planning for the case plan. The department must file the motion
303 within 10 business days after receiving the written finding of
304 the court. The department must attach the proposed amended case
305 plan to the motion. If concurrent planning is already being
306 used, the case plan must document the efforts the department is
307 taking to complete the concurrent goal.

308 6. The court may issue a protective order in assistance,
309 or as a condition, of any other order made under this part. In
310 addition to the requirements included in the case plan, the
311 protective order may set forth requirements relating to
312 reasonable conditions of behavior to be observed for a specified
313 period of time by a person or agency who is before the court;
314 and the order may require any person or agency to make periodic
315 reports to the court containing such information as the court in
316 its discretion may prescribe.

317 Section 5. Paragraph (j) of subsection (1) of section
318 409.988, Florida Statutes, is amended to read:

319 409.988 Lead agency duties; general provisions.—

320 (1) DUTIES.—A lead agency:

321 (j) May subcontract for the provision of services required
322 by the contract with the lead agency and the department;
323 however, the subcontracts must specify how the provider will
324 contribute to the lead agency meeting the performance standards
325 established pursuant to the child welfare results-oriented

326 | accountability system required by s. 409.997. The lead agency
327 | shall directly provide no more than 35 percent of all child
328 | welfare services provided unless it can demonstrate a need,
329 | within the lead agency's geographic service area, to exceed this
330 | threshold. The justification for need shall be reviewed by a
331 | group comprised of the local community alliance, a
332 | representative from another lead agency, and a representative
333 | from a child welfare service provider from another geographic
334 | area. The group shall recommend to the department whether the
335 | department should approve or deny the request for an exemption
336 | from the services threshold. If there is not a community
337 | alliance operating in a lead agency's geographic service area,
338 | the recommendation for approval or denial of the exemption shall
339 | be made by representatives of local stakeholders, including:
340 | 1. A representative from the department.
341 | 2. A representative from county government.
342 | 3. A representative from the school district.
343 | 4. A representative from the county United Way.
344 | 5. A representative from the county sheriff's office.
345 | 6. A representative from the circuit court corresponding
346 | to the county.
347 | 7. A representative from the county children's board, if
348 | one exists.
349 | 8. A representative from another lead agency.
350 | 9. A representative from a child welfare service provider

351 from another geographic area.

352

353 If there is more than one community alliance in a lead agency's
354 geographic service area, the chairpersons of the community
355 alliances in the geographic area shall select representatives
356 from each alliance, including at least one representative from
357 subparagraphs 1.-9., to comprise the group to recommend to the
358 department whether it should approve or deny the request for
359 exemption from the services threshold. There must be
360 representation in each group from every county in the lead
361 agency's geographic service area, including counties that do not
362 have a community alliance. The department may adopt rules to
363 administer this paragraph.

364 Section 6. Section 775.0851, Florida Statutes, is created
365 to read:

366 775.0851 Offenses against a foster parent;
367 reclassification of offenses.-

368 (1) For purposes of this section, the term "foster parent"
369 means a caregiver whose home is licensed under s. 409.175, and
370 who takes custody of a child for a period of time to care for
371 the child's safety, well-being, and physical, mental, and
372 emotional health after the child has been removed from the
373 custody of his or her legal parents.

374 (2) The degree of an offense is reclassified as provided
375 in subsection (3) if a person knowingly commits the offense

376 against a foster parent while he or she is caring for a child
377 who has been placed in his or her home, such offense is related
378 to the foster parent's custody of that child, and the offense is
379 a violation of:

380 (a) Section 784.011, relating to assault;

381 (b) Section 784.021, relating to aggravated assault;

382 (c) Sections 784.03 and 784.041(1), relating to battery
383 and felony battery;

384 (d) Section 784.045, relating to aggravated battery;

385 (e) Section 784.048, relating to stalking; or

386 (f) Section 794.011, relating to sexual battery.

387 (3) (a) A misdemeanor of the second degree is reclassified
388 as a misdemeanor of the first degree.

389 (b) A misdemeanor of the first degree is reclassified as a
390 felony of the third degree.

391 (c) A felony of the third degree is reclassified as a
392 felony of the second degree.

393 (d) A felony of the second degree is reclassified as a
394 felony of the first degree.

395 (e) A felony of the first degree is reclassified as a life
396 felony.

397 (4) For purposes of sentencing under chapter 921 and
398 determining incentive gain-time eligibility under chapter 944, a
399 felony offense that is reclassified under this section is ranked
400 one level above the ranking specified in s. 921.0022 or s.

401 | 921.0023 for the offense committed.

402 | Section 7. Subsection (1) of section 39.302, Florida
 403 | Statutes, is amended to read:

404 | 39.302 Protective investigations of institutional child
 405 | abuse, abandonment, or neglect.—

406 | (1) The department shall conduct a child protective
 407 | investigation of each report of institutional child abuse,
 408 | abandonment, or neglect. Upon receipt of a report that alleges
 409 | that an employee or agent of the department, or any other entity
 410 | or person covered by s. 39.01 ~~s. 39.01(37) or (54)~~, acting in an
 411 | official capacity, has committed an act of child abuse,
 412 | abandonment, or neglect, the department shall initiate a child
 413 | protective investigation within the timeframe established under
 414 | s. 39.201(5) and notify the appropriate state attorney, law
 415 | enforcement agency, and licensing agency, which shall
 416 | immediately conduct a joint investigation, unless independent
 417 | investigations are more feasible. When conducting investigations
 418 | or having face-to-face interviews with the child, investigation
 419 | visits shall be unannounced unless it is determined by the
 420 | department or its agent that unannounced visits threaten the
 421 | safety of the child. If a facility is exempt from licensing, the
 422 | department shall inform the owner or operator of the facility of
 423 | the report. Each agency conducting a joint investigation is
 424 | entitled to full access to the information gathered by the
 425 | department in the course of the investigation. A protective

426 investigation must include an interview with the child's parent
427 or legal guardian. The department shall make a full written
428 report to the state attorney within 3 working days after making
429 the oral report. A criminal investigation shall be coordinated,
430 whenever possible, with the child protective investigation of
431 the department. Any interested person who has information
432 regarding the offenses described in this subsection may forward
433 a statement to the state attorney as to whether prosecution is
434 warranted and appropriate. Within 15 days after the completion
435 of the investigation, the state attorney shall report the
436 findings to the department and shall include in the report a
437 determination of whether or not prosecution is justified and
438 appropriate in view of the circumstances of the specific case.

439 Section 8. Paragraph (c) of subsection (1) of section
440 39.521, Florida Statutes, is amended to read:

441 39.521 Disposition hearings; powers of disposition.—

442 (1) A disposition hearing shall be conducted by the court,
443 if the court finds that the facts alleged in the petition for
444 dependency were proven in the adjudicatory hearing, or if the
445 parents or legal custodians have consented to the finding of
446 dependency or admitted the allegations in the petition, have
447 failed to appear for the arraignment hearing after proper
448 notice, or have not been located despite a diligent search
449 having been conducted.

450 (c) When any child is adjudicated by a court to be

451 dependent, the court having jurisdiction of the child has the
452 power by order to:

453 1. Require the parent and, when appropriate, the legal
454 guardian or the child to participate in treatment and services
455 identified as necessary. The court may require the person who
456 has custody or who is requesting custody of the child to submit
457 to a mental health or substance abuse disorder assessment or
458 evaluation. The order may be made only upon good cause shown and
459 pursuant to notice and procedural requirements provided under
460 the Florida Rules of Juvenile Procedure. The mental health
461 assessment or evaluation must be administered by a qualified
462 professional as defined in s. 39.01, and the substance abuse
463 assessment or evaluation must be administered by a qualified
464 professional as defined in s. 397.311. The court may also
465 require such person to participate in and comply with treatment
466 and services identified as necessary, including, when
467 appropriate and available, participation in and compliance with
468 a mental health court program established under chapter 394 or a
469 treatment-based drug court program established under s. 397.334.
470 Adjudication of a child as dependent based upon evidence of harm
471 as defined in s. 39.01 ~~s. 39.01(35)(g)~~ demonstrates good cause,
472 and the court shall require the parent whose actions caused the
473 harm to submit to a substance abuse disorder assessment or
474 evaluation and to participate and comply with treatment and
475 services identified in the assessment or evaluation as being

476 necessary. In addition to supervision by the department, the
477 court, including the mental health court program or the
478 treatment-based drug court program, may oversee the progress and
479 compliance with treatment by a person who has custody or is
480 requesting custody of the child. The court may impose
481 appropriate available sanctions for noncompliance upon a person
482 who has custody or is requesting custody of the child or make a
483 finding of noncompliance for consideration in determining
484 whether an alternative placement of the child is in the child's
485 best interests. Any order entered under this subparagraph may be
486 made only upon good cause shown. This subparagraph does not
487 authorize placement of a child with a person seeking custody of
488 the child, other than the child's parent or legal custodian, who
489 requires mental health or substance abuse disorder treatment.

490 2. Require, if the court deems necessary, the parties to
491 participate in dependency mediation.

492 3. Require placement of the child either under the
493 protective supervision of an authorized agent of the department
494 in the home of one or both of the child's parents or in the home
495 of a relative of the child or another adult approved by the
496 court, or in the custody of the department. Protective
497 supervision continues until the court terminates it or until the
498 child reaches the age of 18, whichever date is first. Protective
499 supervision shall be terminated by the court whenever the court
500 determines that permanency has been achieved for the child,

501 whether with a parent, another relative, or a legal custodian,
 502 and that protective supervision is no longer needed. The
 503 termination of supervision may be with or without retaining
 504 jurisdiction, at the court's discretion, and shall in either
 505 case be considered a permanency option for the child. The order
 506 terminating supervision by the department must set forth the
 507 powers of the custodian of the child and include the powers
 508 ordinarily granted to a guardian of the person of a minor unless
 509 otherwise specified. Upon the court's termination of supervision
 510 by the department, further judicial reviews are not required if
 511 permanency has been established for the child.

512 4. Determine whether the child has a strong attachment to
 513 the prospective permanent guardian and whether such guardian has
 514 a strong commitment to permanently caring for the child.

515 Section 9. Paragraph (c) of subsection (1) of section
 516 39.6012, Florida Statutes, is amended to read:

517 39.6012 Case plan tasks; services.—

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

520 (c) If there is evidence of harm as defined in s. 39.01 ~~s.~~
 521 ~~39.01(35)(g)~~, the case plan must include as a required task for
 522 the parent whose actions caused the harm that the parent submit
 523 to a substance abuse disorder assessment or evaluation and
 524 participate and comply with treatment and services identified in
 525 the assessment or evaluation as being necessary.

526 Section 10. Subsection (4) of section 322.09, Florida
527 Statutes, is amended to read:

528 322.09 Application of minors; responsibility for
529 negligence or misconduct of minor.—

530 (4) Notwithstanding subsections (1) and (2), if a
531 caregiver of a minor who is under the age of 18 years and is in
532 out-of-home care as defined in s. 39.01 ~~s. 39.01(49)~~, an
533 authorized representative of a residential group home at which
534 such a minor resides, the caseworker at the agency at which the
535 state has placed the minor, or a guardian ad litem specifically
536 authorized by the minor's caregiver to sign for a learner's
537 driver license signs the minor's application for a learner's
538 driver license, that caregiver, group home representative,
539 caseworker, or guardian ad litem does not assume any obligation
540 or become liable for any damages caused by the negligence or
541 willful misconduct of the minor by reason of having signed the
542 application. Before signing the application, the caseworker,
543 authorized group home representative, or guardian ad litem shall
544 notify the caregiver or other responsible party of his or her
545 intent to sign and verify the application.

546 Section 11. Paragraph (p) of subsection (4) of section
547 394.495, Florida Statutes, is amended to read:

548 394.495 Child and adolescent mental health system of care;
549 programs and services.—

550 (4) The array of services may include, but is not limited

551 to:

552 (p) Trauma-informed services for children who have
 553 suffered sexual exploitation as defined in s. 39.01 ~~s.~~
 554 ~~39.01(77)(g)~~.

555 Section 12. Section 627.746, Florida Statutes, is amended
 556 to read:

557 627.746 Coverage for minors who have a learner's driver
 558 license; additional premium prohibited.—An insurer that issues
 559 an insurance policy on a private passenger motor vehicle to a
 560 named insured who is a caregiver of a minor who is under the age
 561 of 18 years and is in out-of-home care as defined in s. 39.01 ~~s.~~
 562 ~~39.01(49)~~ may not charge an additional premium for coverage of
 563 the minor while the minor is operating the insured vehicle, for
 564 the period of time that the minor has a learner's driver
 565 license, until such time as the minor obtains a driver license.

566 Section 13. Paragraph (c) of subsection (1) of section
 567 934.255, Florida Statutes, is amended to read:

568 934.255 Subpoenas in investigations of sexual offenses.—

569 (1) As used in this section, the term:

570 (c) "Sexual abuse of a child" means a criminal offense
 571 based on any conduct described in s. 39.01 ~~s. 39.01(71)~~.

572 Section 14. Subsection (5) of section 960.065, Florida
 573 Statutes, is amended to read:

574 960.065 Eligibility for awards.—

575 (5) A person is not ineligible for an award pursuant to

576 | paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that
577 | person is a victim of sexual exploitation of a child as defined
578 | in s. 39.01 ~~s. 39.01(77)(g)~~.

579 | Section 15. This act shall take effect October 1, 2019.