

1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; defining the term "legal father" and redefining
4 the term "parent"; amending s. 39.201, F.S.; providing
5 that central abuse hotline information may be used for
6 employment screening of residential group home
7 caregivers; amending s. 39.301, F.S.; requiring a
8 safety plan to be issued for a perpetrator of domestic
9 violence only if the perpetrator can be located;
10 specifying what constitutes reasonable efforts;
11 requiring that a child new to a family under
12 investigation be added to the investigation and
13 assessed for safety; amending s. 39.302, F.S.;
14 conforming a cross-reference; providing that central
15 abuse hotline information may be used for certain
16 employment screenings; amending s. 39.402, F.S.;
17 requiring a court to inquire as to the identity and
18 location of a child's legal father at the shelter
19 hearing; specifying what types of information fall
20 within the scope of such inquiry; amending s. 39.503,
21 F.S.; requiring a court to conduct under oath the
22 inquiry to determine the identity or location of an
23 unknown parent; requiring a court to seek additional
24 information relating to a legal father's identity in
25 such inquiry; requiring the diligent search to

26 | determine a parent's or prospective parent's location
27 | to include a search of the Florida Putative Father
28 | Registry; authorizing the court to order scientific
29 | testing to determine parentage if certain conditions
30 | exist; amending s. 39.504, F.S.; requiring the same
31 | judge to hear a pending dependency proceeding and an
32 | injunction proceeding; providing that the court may
33 | enter an injunction based on specified evidence;
34 | amending s. 39.507, F.S.; requiring a court to
35 | consider maltreatment allegations against a parent in
36 | an evidentiary hearing relating to a dependency
37 | petition; amending s. 39.5085, F.S.; revising
38 | eligibility guidelines for the Relative Caregiver
39 | Program with respect to relative and nonrelative
40 | caregivers; amending s. 39.521, F.S.; providing new
41 | time guidelines for filing with the court and
42 | providing copies of case plans and family functioning
43 | assessments; providing for assessment and program
44 | compliance for a parent who caused harm to a child by
45 | exposing the child to a controlled substance;
46 | providing in-home safety plan requirements; providing
47 | requirements for family functioning assessments;
48 | providing supervision requirements after
49 | reunification; amending s. 39.522, F.S.; providing
50 | conditions for returning a child home with an in-home

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

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

98 |
99 | Be It Enacted by the Legislature of the State of Florida:
100 |

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

106 39.01 Definitions.—When used in this chapter, unless the
107 context otherwise requires:

108 (10) "Caregiver" means the parent, legal custodian,
109 permanent guardian, adult household member, or other person
110 responsible for a child's welfare as defined in subsection (48)
111 ~~(47)~~.

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

119 (35) "Legal father" means a man married to the mother at
120 the time of conception or birth of their child, unless paternity
121 has been otherwise determined by a court of competent
122 jurisdiction. If no man was married to the mother at the time of
123 birth or conception of the child, the term "legal father" means
124 a man named on the birth certificate of the child pursuant to s.
125 382.013(2), a man determined by a court order to be the father

126 | of the child, or a man determined by an administrative
 127 | proceeding to be the father of the child.

128 | ~~(50)-(49)~~ "Parent" means a woman who gives birth to a child
 129 | and a man whose consent to the adoption of the child would be
 130 | required under s. 63.062(1). "Parent" also means a man married
 131 | to the mother at the time of conception or birth of their child,
 132 | unless paternity has been otherwise determined by a court of
 133 | competent jurisdiction. If no man was married to the mother at
 134 | the time of birth or conception of the child, the term "legal
 135 | father" means a man named on the birth certificate of the child
 136 | pursuant to s. 382.013(2), a man determined by court order to be
 137 | the father of the child, or a man determined by an
 138 | administrative proceeding to be the father of the child. If a
 139 | child has been legally adopted, the term "parent" means the
 140 | adoptive mother or father of the child. For purposes of this
 141 | chapter only, when the phrase "parent or legal custodian" is
 142 | used, it refers to rights or responsibilities of the parent and,
 143 | only if there is no living parent with intact parental rights,
 144 | to the rights or responsibilities of the legal custodian who has
 145 | assumed the role of the parent. The term does not include an
 146 | individual whose parental relationship to the child has been
 147 | legally terminated, or an alleged or prospective parent, unless:

148 | (a) The parental status falls within the terms of s.
 149 | 39.503(1) or s. 63.062(1); or

150 | (b) Parental status is applied for the purpose of

151 determining whether the child has been abandoned.

152 Section 2. Subsection (6) of section 39.201, Florida
153 Statutes, is amended to read:

154 39.201 Mandatory reports of child abuse, abandonment, or
155 neglect; mandatory reports of death; central abuse hotline.—

156 (6) Information in the central abuse hotline may not be
157 used for employment screening, except as provided in s.
158 39.202(2)(a) and (h) or s. 402.302(15). Information in the
159 central abuse hotline and the department's automated abuse
160 information system may be used by the department, its authorized
161 agents or contract providers, the Department of Health, or
162 county agencies as part of the licensure or registration process
163 pursuant to ss. 402.301-402.319 and ss. 409.175-409.176.
164 Pursuant to s. 39.202(2)(q), the information in the central
165 abuse hotline may also be used by the Department of Education
166 for purposes of educator certification discipline and review.
167 Additionally, in accordance with s. 409.145(2)(e), the
168 information in the central abuse hotline may be used for
169 employment screening for caregivers at residential group homes.

170 Section 3. Paragraph (a) of subsection (9) of section
171 39.301, Florida Statutes, is amended, and subsection (23) is
172 added to that section, to read:

173 39.301 Initiation of protective investigations.—

174 (9)(a) For each report received from the central abuse
175 hotline and accepted for investigation, the department or the

176 | sheriff providing child protective investigative services under
177 | s. 39.3065, shall perform the following child protective
178 | investigation activities to determine child safety:

179 | 1. Conduct a review of all relevant, available information
180 | specific to the child and family and alleged maltreatment;
181 | family child welfare history; local, state, and federal criminal
182 | records checks; and requests for law enforcement assistance
183 | provided by the abuse hotline. Based on a review of available
184 | information, including the allegations in the current report, a
185 | determination shall be made as to whether immediate consultation
186 | should occur with law enforcement, the child protection team, a
187 | domestic violence shelter or advocate, or a substance abuse or
188 | mental health professional. Such consultations should include
189 | discussion as to whether a joint response is necessary and
190 | feasible. A determination shall be made as to whether the person
191 | making the report should be contacted before the face-to-face
192 | interviews with the child and family members.

193 | 2. Conduct face-to-face interviews with the child; other
194 | siblings, if any; and the parents, legal custodians, or
195 | caregivers.

196 | 3. Assess the child's residence, including a determination
197 | of the composition of the family and household, including the
198 | name, address, date of birth, social security number, sex, and
199 | race of each child named in the report; any siblings or other
200 | children in the same household or in the care of the same

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

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

211 5. Complete assessment of immediate child safety for each
212 child based on available records, interviews, and observations
213 with all persons named in subparagraph 2. and appropriate
214 collateral contacts, which may include other professionals. The
215 department's child protection investigators are hereby
216 designated a criminal justice agency for the purpose of
217 accessing criminal justice information to be used for enforcing
218 this state's laws concerning the crimes of child abuse,
219 abandonment, and neglect. This information shall be used solely
220 for purposes supporting the detection, apprehension,
221 prosecution, pretrial release, posttrial release, or
222 rehabilitation of criminal offenders or persons accused of the
223 crimes of child abuse, abandonment, or neglect and may not be
224 further disseminated or used for any other purpose.

225 6. Document the present and impending dangers to each

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

239 a. If the child protective investigator implements a
240 safety plan, the plan must be specific, sufficient, feasible,
241 and sustainable in response to the realities of the present or
242 impending danger. A safety plan may be an in-home plan or an
243 out-of-home plan, or a combination of both. A safety plan may
244 include tasks or responsibilities for a parent, caregiver, or
245 legal custodian. However, a safety plan may not rely on
246 promissory commitments by the parent, caregiver, or legal
247 custodian who is currently not able to protect the child or on
248 services that are not available or will not result in the safety
249 of the child. A safety plan may not be implemented if for any
250 reason the parents, guardian, or legal custodian lacks the

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

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

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

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

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

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

292 (IV) The parent or legal custodian or an adult currently
293 living in or frequently visiting the home has been the subject
294 of multiple allegations by reputable reports of abuse or
295 neglect;

296 (V) The child is physically or developmentally disabled;
297 or

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

299 c. The child protective investigator shall monitor the
300 implementation of the plan to ensure the child's safety until

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301 the case is transferred to the lead agency at which time the
302 lead agency shall monitor the implementation.

303 (23) If, at any time during a child protective
304 investigation, a child is born into a family under investigation
305 or a child moves into the home under investigation, the child
306 protective investigator shall add the child to the investigation
307 and assess the child's safety pursuant to subsection (7) and
308 paragraph (9) (a).

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

311 39.302 Protective investigations of institutional child
312 abuse, abandonment, or neglect.—

313 (1) The department shall conduct a child protective
314 investigation of each report of institutional child abuse,
315 abandonment, or neglect. Upon receipt of a report that alleges
316 that an employee or agent of the department, or any other entity
317 or person covered by s. 39.01(32) or (48) ~~s. 39.01(32) or (47)~~,
318 acting in an official capacity, has committed an act of child
319 abuse, abandonment, or neglect, the department shall initiate a
320 child protective investigation within the timeframe established
321 under s. 39.201(5) and notify the appropriate state attorney,
322 law enforcement agency, and licensing agency, which shall
323 immediately conduct a joint investigation, unless independent
324 investigations are more feasible. When conducting investigations
325 or having face-to-face interviews with the child, investigation

326 visits shall be unannounced unless it is determined by the
327 department or its agent that unannounced visits threaten the
328 safety of the child. If a facility is exempt from licensing, the
329 department shall inform the owner or operator of the facility of
330 the report. Each agency conducting a joint investigation is
331 entitled to full access to the information gathered by the
332 department in the course of the investigation. A protective
333 investigation must include an interview with the child's parent
334 or legal guardian. The department shall make a full written
335 report to the state attorney within 3 working days after making
336 the oral report. A criminal investigation shall be coordinated,
337 whenever possible, with the child protective investigation of
338 the department. Any interested person who has information
339 regarding the offenses described in this subsection may forward
340 a statement to the state attorney as to whether prosecution is
341 warranted and appropriate. Within 15 days after the completion
342 of the investigation, the state attorney shall report the
343 findings to the department and shall include in the report a
344 determination of whether or not prosecution is justified and
345 appropriate in view of the circumstances of the specific case.

346 (7) When an investigation of institutional abuse, neglect,
347 or abandonment is closed and a person is not identified as a
348 caregiver responsible for the abuse, neglect, or abandonment
349 alleged in the report, the fact that the person is named in some
350 capacity in the report may not be used in any way to adversely

351 affect the interests of that person. This prohibition applies to
352 any use of the information in employment screening, licensing,
353 child placement, adoption, or any other decisions by a private
354 adoption agency or a state agency or its contracted providers.

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

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

369 Section 5. Paragraph (c) of subsection (8) of section
370 39.402, Florida Statutes, is amended to read:

371 39.402 Placement in a shelter.-

372 (8)

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

374 1. Appoint a guardian ad litem to represent the best
375 interest of the child, unless the court finds that such

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376 representation is unnecessary;

377 2. Inform the parents or legal custodians of their right
378 to counsel to represent them at the shelter hearing and at each
379 subsequent hearing or proceeding, and the right of the parents
380 to appointed counsel, pursuant to the procedures set forth in s.
381 39.013; ~~and~~

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

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

389 a. Whether the mother of the child was married at the
390 probable time of conception of the child or at the time of birth
391 of the child.

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

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

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

400 e. Whether any man has acknowledged or claimed paternity

401 of the child in a jurisdiction in which the mother resided at
402 the time of or since conception of the child or in which the
403 child has resided or resides.

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

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

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

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

414 39.503 Identity or location of parent unknown; special
415 procedures.—

416 (1) If the identity or location of a parent is unknown and
417 a petition for dependency or shelter is filed, the court shall
418 conduct under oath the following inquiry of the parent or legal
419 custodian who is available, or, if no parent or legal custodian
420 is available, of any relative or custodian of the child who is
421 present at the hearing and likely to have any of the following
422 information:

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

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

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

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

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

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

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

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

444 (6) The diligent search required by subsection (5) must
445 include, at a minimum, inquiries of all relatives of the parent
446 or prospective parent made known to the petitioner, inquiries of
447 all offices of program areas of the department likely to have
448 information about the parent or prospective parent, inquiries of
449 other state and federal agencies likely to have information
450 about the parent or prospective parent, inquiries of appropriate

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

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

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

476 the best interest of the child, order scientific testing to
 477 determine the maternity or paternity of the child. The court
 478 shall assess the cost of the maternity or paternity
 479 determination as a cost of litigation. If the court finds the
 480 prospective parent to be a parent as a result of the scientific
 481 testing, the court shall enter a judgment of maternity or
 482 paternity, shall assess the cost of the scientific testing to
 483 the parent, and shall enter an amount of child support to be
 484 paid by the parent as determined under s. 61.30. If the known
 485 parent contests the recognition of the prospective parent as a
 486 parent, the prospective parent shall not be recognized as a
 487 parent until proceedings to determine maternity or paternity
 488 ~~under chapter 742~~ have been concluded. However, the prospective
 489 parent shall continue to receive notice of hearings as a
 490 participant until pending results of the chapter 742 proceedings
 491 to determine maternity or paternity have been concluded.

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

495 Section 7. Section 39.504, Florida Statutes, is amended to
 496 read:

497 39.504 Injunction ~~pending disposition of petition;~~
 498 penalty.-

499 (1) At any time after a protective investigation has been
 500 initiated pursuant to part III of this chapter, the court, upon

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501 the request of the department, a law enforcement officer, the
502 state attorney, or other responsible person, or upon its own
503 motion, may, if there is reasonable cause, issue an injunction
504 to prevent any act of child abuse. Reasonable cause for the
505 issuance of an injunction exists if there is evidence of child
506 abuse or if there is a reasonable likelihood of such abuse
507 occurring based upon a recent overt act or failure to act. If
508 there is a pending dependency proceeding regarding the child
509 whom the injunction is sought to protect, the judge hearing the
510 dependency proceeding must also hear the injunction proceeding
511 regarding the child.

512 (2) The petitioner seeking the injunction shall file a
513 verified petition, or a petition along with an affidavit,
514 setting forth the specific actions by the alleged offender from
515 which the child must be protected and all remedies sought. Upon
516 filing the petition, the court shall set a hearing to be held at
517 the earliest possible time. Pending the hearing, the court may
518 issue a temporary ex parte injunction, with verified pleadings
519 or affidavits as evidence. The temporary ex parte injunction
520 pending a hearing is effective for up to 15 days and the hearing
521 must be held within that period unless continued for good cause
522 shown, which may include obtaining service of process, in which
523 case the temporary ex parte injunction shall be extended for the
524 continuance period. The hearing may be held sooner if the
525 alleged offender has received reasonable notice.

526 (3) Before the hearing, the alleged offender must be
527 personally served with a copy of the petition, all other
528 pleadings related to the petition, a notice of hearing, and, if
529 one has been entered, the temporary injunction. If the
530 petitioner is unable to locate the alleged offender for service
531 after a diligent search pursuant to the same requirements as in
532 s. 39.503 and the filing of an affidavit of diligent search, the
533 court may enter the injunction based on the sworn petition and
534 any affidavits. At the hearing, the court may base its
535 determination on a sworn petition, testimony, or an affidavit
536 and may hear all relevant and material evidence, including oral
537 and written reports, to the extent of its probative value even
538 though it would not be competent evidence at an adjudicatory
539 hearing. Following the hearing, the court may enter a final
540 injunction. The court may grant a continuance of the hearing at
541 any time for good cause shown by any party. If a temporary
542 injunction has been entered, it shall be continued during the
543 continuance.

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

548 (a) The injunction applies to the alleged or actual
549 offender in a case of child abuse or acts of domestic violence.
550 The conditions of the injunction shall be determined by the

551 court, which may include ordering the alleged or actual offender
552 to:

- 553 1. Refrain from further abuse or acts of domestic
554 violence.
- 555 2. Participate in a specialized treatment program.
- 556 3. Limit contact or communication with the child victim,
557 other children in the home, or any other child.
- 558 4. Refrain from contacting the child at home, school,
559 work, or wherever the child may be found.
- 560 5. Have limited or supervised visitation with the child.
- 561 6. Vacate the home in which the child resides.
- 562 7. Comply with the terms of a safety plan implemented in
563 the injunction pursuant to s. 39.301.

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

- 566 1. Exclusive use and possession of the dwelling to the
567 caregiver or exclusion of the alleged or actual offender from
568 the residence of the caregiver.
- 569 2. Temporary support for the child or other family
570 members.
- 571 3. The costs of medical, psychiatric, and psychological
572 treatment for the child incurred due to the abuse, and similar
573 costs for other family members.

574
575 This paragraph does not preclude an adult victim of domestic

576 violence from seeking protection for himself or herself under s.
577 741.30.

578 (c) The terms of the final injunction shall remain in
579 effect until modified or dissolved by the court. The petitioner,
580 respondent, or caregiver may move at any time to modify or
581 dissolve the injunction. Notice of hearing on the motion to
582 modify or dissolve the injunction must be provided to all
583 parties, including the department. The injunction is valid and
584 enforceable in all counties in the state.

585 (5) Service of process on the respondent shall be carried
586 out pursuant to s. 741.30. The department shall deliver a copy
587 of any injunction issued pursuant to this section to the
588 protected party or to a parent, caregiver, or individual acting
589 in the place of a parent who is not the respondent. Law
590 enforcement officers may exercise their arrest powers as
591 provided in s. 901.15(6) to enforce the terms of the injunction.

592 (6) Any person who fails to comply with an injunction
593 issued pursuant to this section commits a misdemeanor of the
594 first degree, punishable as provided in s. 775.082 or s.
595 775.083.

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

599 Section 8. Paragraph (b) of subsection (7) of section
600 39.507, Florida Statutes, is amended to read:

601 39.507 Adjudicatory hearings; orders of adjudication.—
 602 (7)
 603 (b) However, the court must determine whether each parent
 604 or legal custodian identified in the case abused, abandoned, or
 605 neglected the child or engaged in conduct that placed the child
 606 at substantial risk of imminent abuse, abandonment, or neglect
 607 in a subsequent evidentiary hearing. If a second parent is
 608 served and brought into the proceeding after the adjudication,
 609 and an ~~the~~ evidentiary hearing for the second parent is
 610 conducted subsequent to the adjudication of the child, the court
 611 shall supplement the adjudicatory order, disposition order, and
 612 the case plan, as necessary. The petitioner is not required to
 613 prove actual harm or actual abuse by the second parent in order
 614 for the court to make supplemental findings regarding the
 615 conduct of the second parent. The court is not required to
 616 conduct an evidentiary hearing for the second parent in order to
 617 supplement the adjudicatory order, the disposition order, and
 618 the case plan if the requirements of s. 39.506(3) or (5) are
 619 satisfied. With the exception of proceedings pursuant to s.
 620 39.811, the child's dependency status may not be retried or
 621 readjudicated.

622 Section 9. Paragraph (a) of subsection (2) of section
 623 39.5085, Florida Statutes, is amended to read:

624 39.5085 Relative Caregiver Program.—

625 (2) (a) The Department of Children and Families shall

626 | establish, ~~and operate,~~ and implement the Relative Caregiver
627 | Program ~~pursuant to eligibility guidelines established in this~~
628 | ~~section as further implemented~~ by rule of the department. The
629 | Relative Caregiver Program shall, within the limits of available
630 | funding, provide financial assistance to:

631 | 1. Relatives who are within the fifth degree by blood or
632 | marriage to the parent or stepparent of a child and who are
633 | caring full-time for that dependent child in the role of
634 | substitute parent as a result of a court's determination of
635 | child abuse, neglect, or abandonment and subsequent placement
636 | with the relative under this chapter.

637 | 2. Relatives who are within the fifth degree by blood or
638 | marriage to the parent or stepparent of a child and who are
639 | caring full-time for that dependent child, and a dependent half-
640 | brother or half-sister of that dependent child, in the role of
641 | substitute parent as a result of a court's determination of
642 | child abuse, neglect, or abandonment and subsequent placement
643 | with the relative under this chapter.

644 | 3. Nonrelatives who are willing to assume custody and care
645 | of a dependent child in the role of substitute parent as a
646 | result of a court's determination of child abuse, neglect, or
647 | abandonment and subsequent placement with the nonrelative
648 | caregiver under this chapter. The court must find that a
649 | proposed placement under this subparagraph is in the best
650 | interest of the child.

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651 4. The relative or nonrelative caregiver may not receive a
652 Relative Caregiver Program payment if the parent or stepparent
653 of the child resides in the home. However, a relative or
654 nonrelative may receive the Relative Caregiver Program payment
655 for a minor parent who is in his or her care, as well as for the
656 minor parent's child, if both children have been adjudicated
657 dependent and meet all other eligibility requirements. If the
658 caregiver is currently receiving the payment, the Relative
659 Caregiver Program payment must be terminated no later than the
660 first of the following month after the parent or stepparent
661 moves into the home, allowing for 10-day notice of adverse
662 action.

663
664 The placement may be court-ordered temporary legal custody to
665 the relative or nonrelative under protective supervision of the
666 department pursuant to s. 39.521(1)(c)3. ~~s. 39.521(1)(b)3.~~, or
667 court-ordered placement in the home of a relative or nonrelative
668 as a permanency option under s. 39.6221 or s. 39.6231 or under
669 former s. 39.622 if the placement was made before July 1, 2006.
670 The Relative Caregiver Program shall offer financial assistance
671 to caregivers who would be unable to serve in that capacity
672 without the caregiver payment because of financial burden, thus
673 exposing the child to the trauma of placement in a shelter or in
674 foster care.

675 Section 10. Subsections (1), (2), (6), and (7) of section

676 39.521, Florida Statutes, are amended to read:

677 39.521 Disposition hearings; powers of disposition.—

678 (1) A disposition hearing shall be conducted by the court,
 679 if the court finds that the facts alleged in the petition for
 680 dependency were proven in the adjudicatory hearing, or if the
 681 parents or legal custodians have consented to the finding of
 682 dependency or admitted the allegations in the petition, have
 683 failed to appear for the arraignment hearing after proper
 684 notice, or have not been located despite a diligent search
 685 having been conducted.

686 (a) A written case plan and a family functioning
 687 assessment ~~predisposition study~~ prepared by an authorized agent
 688 of the department must be approved by ~~filed with~~ the court. The
 689 department must file the case plan and the family functioning
 690 assessment with the court, serve a copy of the case plan on,
 691 ~~served upon~~ the parents of the child, and provide a copy of the
 692 case plan ~~provided~~ to the representative of the guardian ad
 693 litem program, if the program has been appointed, and provide a
 694 copy ~~provided~~ to all other parties:

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

699 2. Not less than 72 hours before the case plan acceptance
 700 hearing, if the disposition hearing occurs before the 60th day

701 after the date the child was placed in out-of-home care and a
702 case plan has not been submitted pursuant to this paragraph, or
703 if the court does not approve the case plan at the disposition
704 hearing.7 The case plan acceptance hearing must occur ~~the court~~
705 ~~must set a hearing~~ within 30 days after the disposition hearing
706 to review and approve the case plan.

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

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

716 1. Require the parent and, when appropriate, the legal
717 custodian and the child to participate in treatment and services
718 identified as necessary. The court may require the person who
719 has custody or who is requesting custody of the child to submit
720 to a mental health or substance abuse disorder assessment or
721 evaluation. The order may be made only upon good cause shown and
722 pursuant to notice and procedural requirements provided under
723 the Florida Rules of Juvenile Procedure. The mental health
724 assessment or evaluation must be administered by a qualified
725 professional as defined in s. 39.01, and the substance abuse

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726 assessment or evaluation must be administered by a qualified
727 professional as defined in s. 397.311. The court may also
728 require such person to participate in and comply with treatment
729 and services identified as necessary, including, when
730 appropriate and available, participation in and compliance with
731 a mental health court program established under chapter 394 or a
732 treatment-based drug court program established under s. 397.334.
733 Adjudication of a child as dependent based upon evidence of harm
734 as defined in s. 39.01(30)(g) demonstrates good cause, and the
735 court shall require the parent whose actions caused the harm to
736 submit to a substance abuse disorder assessment or evaluation
737 and to participate and comply with treatment and services
738 identified in the assessment or evaluation as being necessary.
739 In addition to supervision by the department, the court,
740 including the mental health court program or the treatment-based
741 drug court program, may oversee the progress and compliance with
742 treatment by a person who has custody or is requesting custody
743 of the child. The court may impose appropriate available
744 sanctions for noncompliance upon a person who has custody or is
745 requesting custody of the child or make a finding of
746 noncompliance for consideration in determining whether an
747 alternative placement of the child is in the child's best
748 interests. Any order entered under this subparagraph may be made
749 only upon good cause shown. This subparagraph does not authorize
750 placement of a child with a person seeking custody of the child,

751 other than the child's parent or legal custodian, who requires
752 mental health or substance abuse disorder treatment.

753 2. Require, if the court deems necessary, the parties to
754 participate in dependency mediation.

755 3. Require placement of the child either under the
756 protective supervision of an authorized agent of the department
757 in the home of one or both of the child's parents or in the home
758 of a relative of the child or another adult approved by the
759 court, or in the custody of the department. Protective
760 supervision continues until the court terminates it or until the
761 child reaches the age of 18, whichever date is first. Protective
762 supervision shall be terminated by the court whenever the court
763 determines that permanency has been achieved for the child,
764 whether with a parent, another relative, or a legal custodian,
765 and that protective supervision is no longer needed. The
766 termination of supervision may be with or without retaining
767 jurisdiction, at the court's discretion, and shall in either
768 case be considered a permanency option for the child. The order
769 terminating supervision by the department must set forth the
770 powers of the custodian of the child and include the powers
771 ordinarily granted to a guardian of the person of a minor unless
772 otherwise specified. Upon the court's termination of supervision
773 by the department, further judicial reviews are not required if
774 permanency has been established for the child.

775 (d)~~(e)~~ At the conclusion of the disposition hearing, the

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776 court shall schedule the initial judicial review hearing which
777 must be held no later than 90 days after the date of the
778 disposition hearing or after the date of the hearing at which
779 the court approves the case plan, whichever occurs earlier, but
780 in no event shall the review hearing be held later than 6 months
781 after the date of the child's removal from the home.

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

- 784 1. The placement or custody of the child.
785 2. Special conditions of placement and visitation.
786 3. Evaluation, counseling, treatment activities, and other
787 actions to be taken by the parties, if ordered.
788 4. The persons or entities responsible for supervising or
789 monitoring services to the child and parent.
790 5. Continuation or discharge of the guardian ad litem, as
791 appropriate.
792 6. The date, time, and location of the next scheduled
793 review hearing, which must occur within the earlier of:
794 a. Ninety days after the disposition hearing;
795 b. Ninety days after the court accepts the case plan;
796 c. Six months after the date of the last review hearing;
797 or
798 d. Six months after the date of the child's removal from
799 his or her home, if no review hearing has been held since the
800 child's removal from the home.

801 7. If the child is in an out-of-home placement, child
802 support to be paid by the parents, or the guardian of the
803 child's estate if possessed of assets which under law may be
804 disbursed for the care, support, and maintenance of the child.
805 The court may exercise jurisdiction over all child support
806 matters, shall adjudicate the financial obligation, including
807 health insurance, of the child's parents or guardian, and shall
808 enforce the financial obligation as provided in chapter 61. The
809 state's child support enforcement agency shall enforce child
810 support orders under this section in the same manner as child
811 support orders under chapter 61. Placement of the child shall
812 not be contingent upon issuance of a support order.

813 8.a. If the court does not commit the child to the
814 temporary legal custody of an adult relative, legal custodian,
815 or other adult approved by the court, the disposition order
816 shall include the reasons for such a decision and shall include
817 a determination as to whether diligent efforts were made by the
818 department to locate an adult relative, legal custodian, or
819 other adult willing to care for the child in order to present
820 that placement option to the court instead of placement with the
821 department.

822 b. If no suitable relative is found and the child is
823 placed with the department or a legal custodian or other adult
824 approved by the court, both the department and the court shall
825 consider transferring temporary legal custody to an adult

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826 relative approved by the court at a later date, but neither the
827 department nor the court is obligated to so place the child if
828 it is in the child's best interest to remain in the current
829 placement.

830

831 For the purposes of this section, "diligent efforts to locate an
832 adult relative" means a search similar to the diligent search
833 for a parent, but without the continuing obligation to search
834 after an initial adequate search is completed.

835 9. Other requirements necessary to protect the health,
836 safety, and well-being of the child, to preserve the stability
837 of the child's educational placement, and to promote family
838 preservation or reunification whenever possible.

839 (f)-(e) If the court finds that an in-home safety plan
840 prepared or approved by the department ~~the prevention or~~
841 ~~reunification efforts of the department~~ will allow the child to
842 remain safely at home or that conditions for return have been
843 met and an in-home safety plan prepared or approved by the
844 department will allow the child to be safely returned to the
845 home, the court shall allow the child to remain in or return to
846 the home after making a specific finding of fact that ~~the~~
847 ~~reasons for removal have been remedied to the extent that the~~
848 child's safety, well-being, and physical, mental, and emotional
849 health will not be endangered.

850 (g)-(f) If the court places the child in an out-of-home

851 placement, the disposition order must include a written
852 determination that the child cannot safely remain at home with
853 reunification or family preservation services and that removal
854 of the child is necessary to protect the child. If the child is
855 removed before the disposition hearing, the order must also
856 include a written determination as to whether, after removal,
857 the department made a reasonable effort to reunify the parent
858 and child. Reasonable efforts to reunify are not required if the
859 court finds that any of the acts listed in s. 39.806(1)(f)-(l)
860 have occurred. The department has the burden of demonstrating
861 that it made reasonable efforts.

862 1. For the purposes of this paragraph, the term
863 "reasonable effort" means the exercise of reasonable diligence
864 and care by the department to provide the services ordered by
865 the court or delineated in the case plan.

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

868 a. Enter written findings as to whether prevention or
869 reunification efforts were indicated.

870 b. If prevention or reunification efforts were indicated,
871 include a brief written description of what appropriate and
872 available prevention and reunification efforts were made.

873 c. Indicate in writing why further efforts could or could
874 not have prevented or shortened the separation of the parent and
875 child.

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

878 a. The first contact of the department with the family
 879 occurs during an emergency;

880 b. The appraisal by the department of the home situation
 881 indicates a substantial and immediate danger to the child's
 882 safety or physical, mental, or emotional health which cannot be
 883 mitigated by the provision of preventive services;

884 c. The child cannot safely remain at home, because there
 885 are no preventive services that can ensure the health and safety
 886 of the child or, even with appropriate and available services
 887 being provided, the health and safety of the child cannot be
 888 ensured; or

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

892 4. A reasonable effort by the department for reunification
 893 has been made if the appraisal of the home situation by the
 894 department indicates that the severity of the conditions of
 895 dependency is such that reunification efforts are inappropriate.
 896 The department has the burden of demonstrating to the court that
 897 reunification efforts were inappropriate.

898 5. If the court finds that the prevention or reunification
 899 effort of the department would not have permitted the child to
 900 remain safely at home, the court may commit the child to the

901 temporary legal custody of the department or take any other
902 action authorized by this chapter.

903 (2) The family functioning assessment ~~predisposition study~~
904 must provide the court with the following documented
905 information:

906 (a) Evidence of maltreatment and the circumstances
907 accompanying the maltreatment.

908 (b) Identification of all danger threats active in the
909 home.

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

911 (d) An assessment of general parenting practices and the
912 parent's disciplinary approach and behavior management methods.

913 (e) An assessment of the parent's behavioral, emotional,
914 and cognitive protective capacities.

915 (f) An assessment of child functioning.

916 (g) A safety analysis describing the capacity for an in-
917 home safety plan to control the conditions that result in the
918 child being unsafe and the specific actions necessary to keep
919 the child safe.

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

924 ~~(a) The capacity and disposition of the parents to provide~~
925 ~~the child with food, clothing, medical care, or other remedial~~

926 ~~care recognized and permitted under the laws of this state in~~
927 ~~lieu of medical care, and other material needs.~~

928 ~~(b) The length of time the child has lived in a stable,~~
929 ~~satisfactory environment and the desirability of maintaining~~
930 ~~continuity.~~

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

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

933 (i)(e) The reasonable preference of the child, if the
934 court deems the child to be of sufficient intelligence,
935 understanding, and experience to express a preference.

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

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

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

943 ~~(i) A description of the benefits of returning the child~~
944 ~~home.~~

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

946 (j)(k) Child welfare A Florida Abuse Hotline Information
947 System (FAHIS) history and criminal records check for all
948 caregivers, family members, and individuals residing within the
949 household from which the child was removed from the State
950 Automated Child Welfare Information System (SACWIS).

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

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

957 (m)~~(n)~~ A listing of appropriate and available safety
958 management ~~prevention and reunification~~ services for the parent
959 and child to prevent the removal of the child from the home or
960 to reunify the child with the parent after removal, ~~including~~
961 ~~the availability of family preservation services~~ and an
962 explanation of the following:

- 963 1. If the services were or were not provided.
964 2. If the services were provided, the outcome of the
965 services.
966 3. If the services were not provided, why they were not
967 provided.
968 4. If the services are currently being provided and if
969 they need to be continued.

970 ~~(o) A listing of other prevention and reunification~~
971 ~~services that were available but determined to be inappropriate~~
972 ~~and why.~~

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

974 (n)~~(q)~~ If the child has been removed from the home and
975 there is a parent who may be considered for custody pursuant to

976 | this section, a recommendation as to whether placement of the
977 | child with that parent would be detrimental to the child.

978 | (o)~~(r)~~ If the child has been removed from the home and
979 | will be remaining with a relative, parent, or other adult
980 | approved by the court, a home study report concerning the
981 | proposed placement shall be provided to the court ~~included in~~
982 | ~~the predisposition report~~. Before recommending to the court any
983 | out-of-home placement for a child other than placement in a
984 | licensed shelter or foster home, the department shall conduct a
985 | study of the home of the proposed legal custodians, which must
986 | include, at a minimum:

987 | 1. An interview with the proposed legal custodians to
988 | assess their ongoing commitment and ability to care for the
989 | child.

990 | 2. Records checks through the State Automated Child
991 | Welfare Information System (SACWIS), and local and statewide
992 | criminal and juvenile records checks through the Department of
993 | Law Enforcement, on all household members 12 years of age or
994 | older. In addition, the fingerprints of any household members
995 | who are 18 years of age or older may be submitted to the
996 | Department of Law Enforcement for processing and forwarding to
997 | the Federal Bureau of Investigation for state and national
998 | criminal history information. The department has the discretion
999 | to request State Automated Child Welfare Information System
1000 | (SACWIS) and local, statewide, and national criminal history

1001 checks and fingerprinting of any other visitor to the home who
 1002 is made known to the department. Out-of-state criminal records
 1003 checks must be initiated for any individual who has resided in a
 1004 state other than Florida if that state's laws allow the release
 1005 of these records. The out-of-state criminal records must be
 1006 filed with the court within 5 days after receipt by the
 1007 department or its agent.

1008 3. An assessment of the physical environment of the home.

1009 4. A determination of the financial security of the
 1010 proposed legal custodians.

1011 5. A determination of suitable child care arrangements if
 1012 the proposed legal custodians are employed outside of the home.

1013 6. Documentation of counseling and information provided to
 1014 the proposed legal custodians regarding the dependency process
 1015 and possible outcomes.

1016 7. Documentation that information regarding support
 1017 services available in the community has been provided to the
 1018 proposed legal custodians.

1019 8. The reasonable preference of the child, if the court
 1020 deems the child to be of sufficient intelligence, understanding,
 1021 and experience to express a preference.

1022
 1023 The department may not place the child or continue the placement
 1024 of the child in a home under shelter or postdisposition
 1025 placement if the results of the home study are unfavorable,

1026 unless the court finds that this placement is in the child's
 1027 best interest.

1028 (p)~~(s)~~ If the child has been removed from the home, a
 1029 determination of the amount of child support each parent will be
 1030 required to pay pursuant to s. 61.30.

1031 ~~(t) If placement of the child with anyone other than the~~
 1032 ~~child's parent is being considered, the predisposition study~~
 1033 ~~shall include the designation of a specific length of time as to~~
 1034 ~~when custody by the parent will be reconsidered.~~

1035
 1036 Any other relevant and material evidence, including other
 1037 written or oral reports, may be received by the court in its
 1038 effort to determine the action to be taken with regard to the
 1039 child and may be relied upon to the extent of its probative
 1040 value, even though not competent in an adjudicatory hearing.
 1041 Except as otherwise specifically provided, nothing in this
 1042 section prohibits the publication of proceedings in a hearing.

1043 (6) With respect to a child who is the subject in
 1044 proceedings under this chapter, the court may issue to the
 1045 department an order to show cause why it should not return the
 1046 child to the custody of the parents upon the presentation of
 1047 evidence that the conditions for return of the child have been
 1048 met ~~expiration of the case plan, or sooner if the parents have~~
 1049 ~~substantially complied with the case plan.~~

1050 (7) The court may enter an order ending its jurisdiction

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1051 over a child when a child has been returned to the parents,
1052 provided the court shall not terminate its jurisdiction or the
1053 department's supervision over the child until 6 months after the
1054 child's return. The department shall supervise the placement of
1055 the child after reunification for at least 6 months with each
1056 parent or legal custodian from whom the child was removed. The
1057 court shall determine whether its jurisdiction should be
1058 continued or terminated in such a case based on a report of the
1059 department or agency or the child's guardian ad litem, and any
1060 other relevant factors; if its jurisdiction is to be terminated,
1061 the court shall enter an order to that effect.

1062 Section 11. Subsections (2) and (3) of section 39.522,
1063 Florida Statutes, are amended to read:

1064 39.522 Postdisposition change of custody.—The court may
1065 change the temporary legal custody or the conditions of
1066 protective supervision at a postdisposition hearing, without the
1067 necessity of another adjudicatory hearing.

1068 (2) In cases where the issue before the court is whether a
1069 child should be reunited with a parent, the court shall review
1070 the conditions for return and determine whether the
1071 circumstances that caused the out-of-home placement and issues
1072 subsequently identified have been remedied ~~parent has~~
1073 ~~substantially complied with the terms of the case plan to the~~
1074 ~~extent that the~~ return of the child to the home with an in-home
1075 safety plan prepared or approved by the department will not be

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1076 detrimental to the child's safety, well-being, and physical,
1077 mental, and emotional health of the child is not endangered by
1078 the return of the child to the home.

1079 (3) In cases where the issue before the court is whether a
1080 child who is placed in the custody of a parent should be
1081 reunited with the other parent upon a finding that the
1082 circumstances that caused the out-of-home placement and issues
1083 subsequently identified have been remedied to the extent that
1084 the return of the child to the home of the other parent with an
1085 in-home safety plan prepared or approved by the department will
1086 not be detrimental to the child of substantial compliance with
1087 the terms of the case plan, the standard shall be that the
1088 safety, well-being, and physical, mental, and emotional health
1089 of the child would not be endangered by reunification and that
1090 reunification would be in the best interest of the child.

1091 Section 12. Subsection (1) of section 39.6011, Florida
1092 Statutes, is amended to read:

1093 39.6011 Case plan development.—

1094 (1) The department shall prepare a draft of the case plan
1095 for each child receiving services under this chapter. A parent
1096 of a child may not be threatened or coerced with the loss of
1097 custody or parental rights for failing to admit in the case plan
1098 of abusing, neglecting, or abandoning a child. Participating in
1099 the development of a case plan is not an admission to any
1100 allegation of abuse, abandonment, or neglect, and it is not a

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1101 consent to a finding of dependency or termination of parental
1102 rights. The case plan shall be developed subject to the
1103 following requirements:

1104 (a) The case plan must be developed in a face-to-face
1105 conference with the parent of the child, any court-appointed
1106 guardian ad litem, and, if appropriate, the child and the
1107 temporary custodian of the child.

1108 (b) Notwithstanding s. 39.202, the department may discuss
1109 confidential information during the case planning conference in
1110 the presence of individuals who participate in the conference.
1111 All individuals who participate in the conference shall maintain
1112 the confidentiality of all information shared during the case
1113 planning conference.

1114 (c)~~(b)~~ The parent may receive assistance from any person
1115 or social service agency in preparing the case plan. The social
1116 service agency, the department, and the court, when applicable,
1117 shall inform the parent of the right to receive such assistance,
1118 including the right to assistance of counsel.

1119 (d)~~(e)~~ If a parent is unwilling or unable to participate
1120 in developing a case plan, the department shall document that
1121 unwillingness or inability to participate. The documentation
1122 must be provided in writing to the parent when available for the
1123 court record, and the department shall prepare a case plan
1124 conforming as nearly as possible with the requirements set forth
1125 in this section. The unwillingness or inability of the parent to

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1126 participate in developing a case plan does not preclude the
1127 filing of a petition for dependency or for termination of
1128 parental rights. The parent, if available, must be provided a
1129 copy of the case plan and be advised that he or she may, at any
1130 time before the filing of a petition for termination of parental
1131 rights, enter into a case plan and that he or she may request
1132 judicial review of any provision of the case plan with which he
1133 or she disagrees at any court hearing set for the child.

1134 Section 13. Subsection (1) of section 39.6012, Florida
1135 Statutes, is amended to read:

1136 39.6012 Case plan tasks; services.—

1137 (1) The services to be provided to the parent and the
1138 tasks that must be completed are subject to the following:

1139 (a) The services described in the case plan must be
1140 designed to improve the conditions in the home and aid in
1141 maintaining the child in the home, facilitate the child's safe
1142 return to the home, ensure proper care of the child, or
1143 facilitate the child's permanent placement. The services offered
1144 must be the least intrusive possible into the life of the parent
1145 and child, must focus on clearly defined objectives, and must
1146 provide the most efficient path to quick reunification or
1147 permanent placement given the circumstances of the case and the
1148 child's need for safe and proper care.

1149 (b) The case plan must describe each of the tasks with
1150 which the parent must comply and the services to be provided to

1151 the parent, specifically addressing the identified problem,
 1152 including:

- 1153 1. The type of services or treatment.
- 1154 2. The date the department will provide each service or
 1155 referral for the service if the service is being provided by the
 1156 department or its agent.
- 1157 3. The date by which the parent must complete each task.
- 1158 4. The frequency of services or treatment provided. The
 1159 frequency of the delivery of services or treatment provided
 1160 shall be determined by the professionals providing the services
 1161 or treatment on a case-by-case basis and adjusted according to
 1162 their best professional judgment.
- 1163 5. The location of the delivery of the services.
- 1164 6. The staff of the department or service provider
 1165 accountable for the services or treatment.
- 1166 7. A description of the measurable objectives, including
 1167 the timeframes specified for achieving the objectives of the
 1168 case plan and addressing the identified problem.

1169 (c) If there is evidence of harm as defined in s.
 1170 39.01(30)(g), the case plan must include as a required task for
 1171 the parent whose actions caused the harm that the parent submit
 1172 to a substance abuse disorder assessment or evaluation and
 1173 participate and comply with treatment and services identified in
 1174 the assessment or evaluation as being necessary.

1175 Section 14. Subsection (7) is added to section 39.6221,

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1176 Florida Statutes, to read:

1177 39.6221 Permanent guardianship of a dependent child.—

1178 (7) The requirements of s. 61.13001 do not apply to
1179 permanent guardianships established under this section.

1180 Section 15. Paragraph (h) is added to subsection (1) of
1181 section 39.701, Florida Statutes, to read:

1182 39.701 Judicial review.—

1183 (1) GENERAL PROVISIONS.—

1184 (h) If a child is born into a family that is under the
1185 court's jurisdiction or a child moves into a home that is under
1186 the court's jurisdiction, the department shall assess the
1187 child's safety and provide notice to the court.

1188 1. The department shall complete an assessment to
1189 determine how the addition of a child will impact family
1190 functioning. The assessment must be completed at least 30 days
1191 before a child is expected to be born or to move into a home, or
1192 within 72 hours after the department learns of the pregnancy or
1193 addition if the child is expected to be born or to move into the
1194 home in less than 30 days. The assessment shall be filed with
1195 the court.

1196 2. Once a child is born into a family or a child moves
1197 into the home, the department shall complete a progress update
1198 and file it with the court.

1199 3. The court has the discretion to hold a hearing on the
1200 progress update filed by the department.

1201 4. The department shall adopt rules to implement this
 1202 subsection.

1203 Section 16. Subsection (3) of section 39.801, Florida
 1204 Statutes, is amended to read:

1205 39.801 Procedures and jurisdiction; notice; service of
 1206 process.—

1207 (3) Before the court may terminate parental rights, in
 1208 addition to the other requirements set forth in this part, the
 1209 following requirements must be met:

1210 (a) Notice of the date, time, and place of the advisory
 1211 hearing for the petition to terminate parental rights and a copy
 1212 of the petition must be personally served upon the following
 1213 persons, specifically notifying them that a petition has been
 1214 filed:

- 1215 1. The parents of the child.
- 1216 2. The legal custodians of the child.
- 1217 3. If the parents who would be entitled to notice are dead
 1218 or unknown, a living relative of the child, unless upon diligent
 1219 search and inquiry no such relative can be found.
- 1220 4. Any person who has physical custody of the child.
- 1221 5. Any grandparent entitled to priority for adoption under
 1222 s. 63.0425.
- 1223 6. Any prospective parent who has been identified under s.
 1224 39.503 or s. 39.803, unless a court order has been entered
 1225 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which

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1226 indicates no further notice is required. Except as otherwise
1227 provided in this section, if there is not a legal father, notice
1228 of the petition for termination of parental rights must be
1229 provided to any known prospective father who is identified under
1230 oath before the court or who is identified by a diligent search
1231 of the Florida Putative Father Registry. Service of the notice
1232 of the petition for termination of parental rights may not be
1233 required if the prospective father executes an affidavit of
1234 nonpaternity or a consent to termination of his parental rights
1235 which is accepted by the court after notice and opportunity to
1236 be heard by all parties to address the best interests of the
1237 child in accepting such affidavit.

1238 7. The guardian ad litem for the child or the
1239 representative of the guardian ad litem program, if the program
1240 has been appointed.

1241
1242 The document containing the notice to respond or appear must
1243 contain, in type at least as large as the type in the balance of
1244 the document, the following or substantially similar language:
1245 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
1246 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
1247 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
1248 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
1249 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
1250 NOTICE."

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1251 (b) If a party required to be served with notice as
1252 prescribed in paragraph (a) cannot be served, notice of hearings
1253 must be given as prescribed by the rules of civil procedure, and
1254 service of process must be made as specified by law or civil
1255 actions.

1256 (c) Notice as prescribed by this section may be waived, in
1257 the discretion of the judge, with regard to any person to whom
1258 notice must be given under this subsection if the person
1259 executes, before two witnesses and a notary public or other
1260 officer authorized to take acknowledgments, a written surrender
1261 of the child to a licensed child-placing agency or the
1262 department.

1263 (d) If the person served with notice under this section
1264 fails to personally appear at the advisory hearing, the failure
1265 to personally appear shall constitute consent for termination of
1266 parental rights by the person given notice. If a parent appears
1267 for the advisory hearing and the court orders that parent to
1268 personally appear at the adjudicatory hearing for the petition
1269 for termination of parental rights, stating the date, time, and
1270 location of said hearing, then failure of that parent to
1271 personally appear at the adjudicatory hearing shall constitute
1272 consent for termination of parental rights.

1273 Section 17. Section 39.803, Florida Statutes, is amended,
1274 to read:

1275 39.803 Identity or location of parent unknown after filing

1276 of termination of parental rights petition; special procedures.—

1277 (1) If the identity or location of a parent is unknown and
 1278 a petition for termination of parental rights is filed, the
 1279 court shall conduct under oath the following inquiry of the
 1280 parent who is available, or, if no parent is available, of any
 1281 relative, caregiver, or legal custodian of the child who is
 1282 present at the hearing and likely to have the information:

1283 (a) Whether the mother of the child was married at the
 1284 probable time of conception of the child or at the time of birth
 1285 of the child.

1286 (b) Whether the mother was cohabiting with a male at the
 1287 probable time of conception of the child.

1288 (c) Whether the mother has received payments or promises
 1289 of support with respect to the child or because of her pregnancy
 1290 from a man who claims to be the father.

1291 (d) Whether the mother has named any man as the father on
 1292 the birth certificate of the child or in connection with
 1293 applying for or receiving public assistance.

1294 (e) Whether any man has acknowledged or claimed paternity
 1295 of the child in a jurisdiction in which the mother resided at
 1296 the time of or since conception of the child, or in which the
 1297 child has resided or resides.

1298 (f) Whether a man is named on the birth certificate of the
 1299 child pursuant to s. 382.013(2).

1300 (g) Whether a man has been determined by a court order to

1301 be the father of the child.

1302 (h) Whether a man has been determined by an administrative
 1303 proceeding to be the father of the child.

1304 (2) The information required in subsection (1) may be
 1305 supplied to the court or the department in the form of a sworn
 1306 affidavit by a person having personal knowledge of the facts.

1307 (3) If the inquiry under subsection (1) identifies any
 1308 person as a parent or prospective parent, the court shall
 1309 require notice of the hearing to be provided to that person.

1310 (4) If the inquiry under subsection (1) fails to identify
 1311 any person as a parent or prospective parent, the court shall so
 1312 find and may proceed without further notice.

1313 (5) If the inquiry under subsection (1) identifies a
 1314 parent or prospective parent, and that person's location is
 1315 unknown, the court shall direct the petitioner to conduct a
 1316 diligent search for that person before scheduling an
 1317 adjudicatory hearing regarding the petition for termination of
 1318 parental rights to the child unless the court finds that the
 1319 best interest of the child requires proceeding without actual
 1320 notice to the person whose location is unknown.

1321 (6) The diligent search required by subsection (5) must
 1322 include, at a minimum, inquiries of all known relatives of the
 1323 parent or prospective parent, inquiries of all offices of
 1324 program areas of the department likely to have information about
 1325 the parent or prospective parent, inquiries of other state and

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1326 federal agencies likely to have information about the parent or
1327 prospective parent, inquiries of appropriate utility and postal
1328 providers, a thorough search of at least one electronic database
1329 specifically designed for locating persons, a search of the
1330 Florida Putative Father Registry, and inquiries of appropriate
1331 law enforcement agencies. Pursuant to s. 453 of the Social
1332 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the
1333 state agency administering Titles IV-B and IV-E of the act,
1334 shall be provided access to the federal and state parent locator
1335 service for diligent search activities.

1336 (7) Any agency contacted by petitioner with a request for
1337 information pursuant to subsection (6) shall release the
1338 requested information to the petitioner without the necessity of
1339 a subpoena or court order.

1340 (8) If the inquiry and diligent search identifies a
1341 prospective parent, that person must be given the opportunity to
1342 become a party to the proceedings by completing a sworn
1343 affidavit of parenthood and filing it with the court or the
1344 department. A prospective parent who files a sworn affidavit of
1345 parenthood while the child is a dependent child but no later
1346 than at the time of or before ~~prior to~~ the adjudicatory hearing
1347 in the termination of parental rights proceeding for the child
1348 shall be considered a parent for all purposes under this
1349 section. If the prospective parent does not file a sworn
1350 affidavit of parenthood or if the other parent contests the

1351 determination of parenthood, the court may, after considering
1352 the best interests of the child, order scientific testing to
1353 determine the maternity or paternity of the child. The court
1354 shall assess the cost of the paternity determination as a cost
1355 of litigation. If the court finds the prospective parent to be a
1356 parent as a result of the scientific testing, the court shall
1357 enter a judgment of maternity or paternity, shall assess the
1358 cost of the scientific testing to the parent, and shall enter an
1359 amount of child support to be paid by the parent as determined
1360 under s. 61.30. If the known parent contests the recognition of
1361 the prospective parent as a parent, the prospective parent shall
1362 not be recognized as a parent until proceedings to establish
1363 paternity have been concluded. However, the prospective parent
1364 shall continue to receive notice of hearings as a participant
1365 until proceedings to establish paternity have been concluded.

1366 (9) If the diligent search under subsection (5) fails to
1367 identify and locate a prospective parent, the court shall so
1368 find and may proceed without further notice.

1369 Section 18. Paragraph (1) of subsection (1) of section
1370 39.806, Florida Statutes, is amended, and subsections (2) and
1371 (3) are republished, to read:

1372 39.806 Grounds for termination of parental rights.—

1373 (1) Grounds for the termination of parental rights may be
1374 established under any of the following circumstances:

1375 (1) On three or more occasions the child or another child

1376 of the parent or parents has been placed in out-of-home care
1377 pursuant to this chapter or the law of any state, territory, or
1378 jurisdiction of the United States which is substantially similar
1379 to this chapter, and the conditions that led to the child's out-
1380 of-home placement were caused by the parent or parents.

1381 (2) Reasonable efforts to preserve and reunify families
1382 are not required if a court of competent jurisdiction has
1383 determined that any of the events described in paragraphs
1384 (1) (b)-(d) or paragraphs (1) (f)-(m) have occurred.

1385 (3) If a petition for termination of parental rights is
1386 filed under subsection (1), a separate petition for dependency
1387 need not be filed and the department need not offer the parents
1388 a case plan having a goal of reunification, but may instead file
1389 with the court a case plan having a goal of termination of
1390 parental rights to allow continuation of services until the
1391 termination is granted or until further orders of the court are
1392 issued.

1393 Section 19. Subsection (6) of section 39.811, Florida
1394 Statutes, is amended to read:

1395 39.811 Powers of disposition; order of disposition.—

1396 (6) The parental rights of one parent may be severed
1397 without severing the parental rights of the other parent only
1398 under the following circumstances:

1399 (a) If the child has only one surviving parent;

1400 (b) If the identity of a prospective parent has been

1401 established as unknown after sworn testimony;

1402 (c) If the parent whose rights are being terminated became
1403 a parent through a single-parent adoption;

1404 (d) If the protection of the child demands termination of
1405 the rights of a single parent; or

1406 (e) If the parent whose rights are being terminated meets
1407 any of the criteria specified in s. 39.806(1) (c), (d), (f), (g),
1408 (h), (i), (j), (k), (l), (m), or (n) ~~and (f)-(m)~~.

1409 Section 20. Paragraph (g) of subsection (4) of section
1410 395.3025, Florida Statutes, is amended, and subsection (8) of
1411 that section is republished, to read:

1412 395.3025 Patient and personnel records; copies;
1413 examination.-

1414 (4) Patient records are confidential and must not be
1415 disclosed without the consent of the patient or his or her legal
1416 representative, but appropriate disclosure may be made without
1417 such consent to:

1418 (g) The Department of Children and Families, ~~or~~ its agent,
1419 or its contracted entity, for the purpose of investigations of
1420 or services for cases of abuse, neglect, or exploitation of
1421 children or vulnerable adults.

1422 (8) Patient records at hospitals and ambulatory surgical
1423 centers are exempt from disclosure under s. 119.07(1), except as
1424 provided by subsections (1)-(5).

1425 Section 21. Subsections (2) and (6) of section 402.40,

1426 Florida Statutes, are amended to read:

1427 402.40 Child welfare training and certification.—

1428 (2) DEFINITIONS.—As used in this section, the term:

1429 (a) "Child welfare certification" means a professional
1430 credential awarded by a department-approved third-party
1431 credentialing entity to individuals demonstrating core
1432 competency in any child welfare practice area.

1433 (b) "Child welfare services" means any intake, protective
1434 investigations, preprotective services, protective services,
1435 foster care, shelter and group care, and adoption and related
1436 services program, including supportive services and supervision
1437 provided to children who are alleged to have been abused,
1438 abandoned, or neglected or who are at risk of becoming, are
1439 alleged to be, or have been found dependent pursuant to chapter
1440 39.

1441 (c) "Child welfare trainer" means any person providing
1442 training for the purposes of child welfare professionals earning
1443 certification.

1444 (d)~~(e)~~ "Core competency" means the minimum knowledge,
1445 skills, and abilities necessary to carry out work
1446 responsibilities.

1447 (e)~~(d)~~ "Person providing child welfare services" means a
1448 person who has a responsibility for supervisory, direct care, or
1449 support-related work in the provision of child welfare services
1450 pursuant to chapter 39.

1451 (f)~~(e)~~ "Preservice curriculum" means the minimum statewide
 1452 training content based upon the core competencies which is made
 1453 available to all persons providing child welfare services.

1454 (g)~~(f)~~ "Third-party credentialing entity" means a
 1455 department-approved nonprofit organization that has met
 1456 nationally recognized standards for developing and administering
 1457 professional certification programs.

1458 (6) ADOPTION OF RULES.—The Department of Children and
 1459 Families shall adopt rules necessary to carry out ~~the provisions~~
 1460 ~~of this section~~, including the requirements for child welfare
 1461 trainers.

1462 Section 22. Paragraph (a) of subsection (7) of section
 1463 456.057, Florida Statutes, is amended to read:

1464 456.057 Ownership and control of patient records; report
 1465 or copies of records to be furnished; disclosure of
 1466 information.—

1467 (7) (a) Except as otherwise provided in this section and in
 1468 s. 440.13(4) (c), such records may not be furnished to, and the
 1469 medical condition of a patient may not be discussed with, any
 1470 person other than the patient, the patient's legal
 1471 representative, or other health care practitioners and providers
 1472 involved in the patient's care or treatment, except upon written
 1473 authorization from the patient. However, such records may be
 1474 furnished without written authorization under the following
 1475 circumstances:

1476 | 1. To any person, firm, or corporation that has procured
 1477 | or furnished such care or treatment with the patient's consent.

1478 | 2. When compulsory physical examination is made pursuant
 1479 | to Rule 1.360, Florida Rules of Civil Procedure, in which case
 1480 | copies of the medical records shall be furnished to both the
 1481 | defendant and the plaintiff.

1482 | 3. In any civil or criminal action, unless otherwise
 1483 | prohibited by law, upon the issuance of a subpoena from a court
 1484 | of competent jurisdiction and proper notice to the patient or
 1485 | the patient's legal representative by the party seeking such
 1486 | records.

1487 | 4. For statistical and scientific research, provided the
 1488 | information is abstracted in such a way as to protect the
 1489 | identity of the patient or provided written permission is
 1490 | received from the patient or the patient's legal representative.

1491 | 5. To a regional poison control center for purposes of
 1492 | treating a poison episode under evaluation, case management of
 1493 | poison cases, or compliance with data collection and reporting
 1494 | requirements of s. 395.1027 and the professional organization
 1495 | that certifies poison control centers in accordance with federal
 1496 | law.

1497 | 6. To the Department of Children and Families, its agent,
 1498 | or its contracted entity, for the purpose of investigations of
 1499 | or services for cases of abuse, neglect, or exploitation of
 1500 | children or vulnerable adults.

1501 Section 23. Section 409.141, Florida Statutes, is
 1502 repealed.

1503 Section 24. Section 409.1677, Florida Statutes, is
 1504 repealed.

1505 Section 25. Subsection (1) of section 39.524, Florida
 1506 Statutes, is amended to read:

1507 39.524 Safe-harbor placement.—

1508 (1) Except as provided in s. 39.407 or s. 985.801, a
 1509 dependent child 6 years of age or older who has been found to be
 1510 a victim of sexual exploitation as defined in s. 39.01 ~~s.~~
 1511 ~~39.01(70)(g)~~ must be assessed for placement in a safe house or
 1512 safe foster home as provided in s. 409.1678 using the initial
 1513 screening and assessment instruments provided in s. 409.1754(1).
 1514 If such placement is determined to be appropriate for the child
 1515 as a result of this assessment, the child may be placed in a
 1516 safe house or safe foster home, if one is available. However,
 1517 the child may be placed in another setting, if the other setting
 1518 is more appropriate to the child's needs or if a safe house or
 1519 safe foster home is unavailable, as long as the child's
 1520 behaviors are managed so as not to endanger other children
 1521 served in that setting.

1522 Section 26. Paragraph (p) of subsection (4) of section
 1523 394.495, Florida Statutes, is amended to read:

1524 394.495 Child and adolescent mental health system of care;
 1525 programs and services.—

1526 (4) The array of services may include, but is not limited
 1527 to:

1528 (p) Trauma-informed services for children who have
 1529 suffered sexual exploitation as defined in s. 39.01 ~~s.~~
 1530 ~~39.01(70)(g)~~.

1531 Section 27. Paragraph (c) of subsection (1) and paragraphs
 1532 (a) and (b) of subsection (6) of section 409.1678, Florida
 1533 Statutes, are amended to read:

1534 409.1678 Specialized residential options for children who
 1535 are victims of sexual exploitation.—

1536 (1) DEFINITIONS.—As used in this section, the term:

1537 (c) "Sexually exploited child" means a child who has
 1538 suffered sexual exploitation as defined in s. 39.01 ~~s.~~
 1539 ~~39.01(70)(g)~~ and is ineligible for relief and benefits under the
 1540 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101
 1541 et seq.

1542 (6) LOCATION INFORMATION.—

1543 (a) Information about the location of a safe house, safe
 1544 foster home, or other residential facility serving victims of
 1545 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~,
 1546 which is held by an agency, as defined in s. 119.011, is
 1547 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 1548 of the State Constitution. This exemption applies to such
 1549 confidential and exempt information held by an agency before,
 1550 on, or after the effective date of the exemption.

1551 (b) Information about the location of a safe house, safe
 1552 foster home, or other residential facility serving victims of
 1553 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~, may
 1554 be provided to an agency, as defined in s. 119.011, as necessary
 1555 to maintain health and safety standards and to address emergency
 1556 situations in the safe house, safe foster home, or other
 1557 residential facility.

1558 Section 28. Subsection (5) of section 960.065, Florida
 1559 Statutes, is amended to read:

1560 960.065 Eligibility for awards.—

1561 (5) A person is not ineligible for an award pursuant to
 1562 paragraph (2)(a), paragraph (2)(b), or paragraph (2)(c) if that
 1563 person is a victim of sexual exploitation of a child as defined
 1564 in s. 39.01 ~~s. 39.01(70)(g)~~.

1565 Section 29. Section 409.1679, Florida Statutes, is amended
 1566 to read:

1567 409.1679 Additional requirements; reimbursement
 1568 methodology.—

1569 (1) Each program established under s. 409.1676 ~~ss.~~
 1570 ~~409.1676 and 409.1677~~ must meet the following expectations,
 1571 which must be included in its contracts with the department or
 1572 lead agency:

1573 (a) No more than 10 percent of the children served may
 1574 move from one living environment to another, unless the child is
 1575 returned to family members or is moved, in accordance with the

1576 treatment plan, to a less-restrictive setting. Each child must
1577 have a comprehensive transitional plan that identifies the
1578 child's living arrangement upon leaving the program and specific
1579 steps and services that are being provided to prepare for that
1580 arrangement. Specific expectations as to the time period
1581 necessary for the achievement of these permanency goals must be
1582 included in the contract.

1583 (b) Each child must receive a full academic year of
1584 appropriate educational instruction. No more than 10 percent of
1585 the children may be in more than one academic setting in an
1586 academic year, unless the child is being moved, in accordance
1587 with an educational plan, to a less-restrictive setting. Each
1588 child must demonstrate academic progress and must be performing
1589 at grade level or at a level commensurate with a valid academic
1590 assessment.

1591 (c) Siblings must be kept together in the same living
1592 environment 100 percent of the time, unless that is determined
1593 by the provider not to be in the children's best interest. When
1594 siblings are separated in placement, the decision must be
1595 reviewed and approved by the court within 30 days.

1596 (d) The program must experience a caregiver turnover rate
1597 and an incidence of child runaway episodes which are at least 50
1598 percent below the rates experienced in the rest of the state.

1599 (e) In addition to providing a comprehensive assessment,
1600 the program must provide, 100 percent of the time, any or all of

1601 the following services that are indicated through the
 1602 assessment: residential care; transportation; behavioral health
 1603 services; recreational activities; clothing, supplies, and
 1604 miscellaneous expenses associated with caring for these
 1605 children; necessary arrangements for or provision of educational
 1606 services; and necessary and appropriate health and dental care.

1607 (f) The children who are served in this program must be
 1608 satisfied with the services and living environment.

1609 (g) The caregivers must be satisfied with the program.

1610 (2) ~~Notwithstanding the provisions of s. 409.141,~~ The
 1611 Department of Children and Families shall fairly and reasonably
 1612 reimburse the programs established under s. 409.1676 ~~ss.~~
 1613 ~~409.1676 and 409.1677~~ based on a prospective per diem rate,
 1614 which must be specified annually in the General Appropriations
 1615 Act. Funding for these programs shall be made available from
 1616 resources appropriated and identified in the General
 1617 Appropriations Act.

1618 Section 30. Subsection (11) of section 1002.3305, Florida
 1619 Statutes, is amended to read:

1620 1002.3305 College-Preparatory Boarding Academy Pilot
 1621 Program for at-risk students.—

1622 (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~
 1623 ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an
 1624 operator may house and educate dependent, at-risk youth in its
 1625 residential school for the purpose of facilitating the mission

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1626 of the program and encouraging innovative practices.

1627 Section 31. For the purpose of incorporating the amendment
1628 made by this act to section 456.057, Florida Statutes, in a
1629 reference thereto, subsection (2) of section 483.181, Florida
1630 Statutes, is reenacted to read:

1631 483.181 Acceptance, collection, identification, and
1632 examination of specimens.—

1633 (2) The results of a test must be reported directly to the
1634 licensed practitioner or other authorized person who requested
1635 it, and appropriate disclosure may be made by the clinical
1636 laboratory without a patient's consent to other health care
1637 practitioners and providers involved in the care or treatment of
1638 the patient as specified in s. 456.057(7)(a). The report must
1639 include the name and address of the clinical laboratory in which
1640 the test was actually performed, unless the test was performed
1641 in a hospital laboratory and the report becomes an integral part
1642 of the hospital record.

1643 Section 32. This act shall take effect July 1, 2017.