



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



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



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



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



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



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



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



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

196

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

198

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



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

202 395.1055 Rules and enforcement.—

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

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

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

219 2. Arnold Palmer Hospital for Children in Orlando.

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

221 4. Nicklaus Children's Hospital in Miami.

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

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

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



226 8. Wolfson Children's Hospital in Jacksonville.

227 9. Florida Hospital for Children in Orlando.

228 10. Nemours Children's Hospital in Orlando.

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

296 ~~(a) Reunification;~~

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

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



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

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

305

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

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

311 39.013 Procedures and jurisdiction; right to counsel.—

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



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

332 exceptions:

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

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

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

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



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

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

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

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

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

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



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

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

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

386
387 Also, employees or agents of the Department of Juvenile Justice
388 responsible for the provision of services to children, pursuant
389 to chapters 984 and 985.

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

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



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

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

411 39.301 Initiation of protective investigations.—

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

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



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

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

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

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

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



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

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



476 additional impending danger.

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



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

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

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



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

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

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

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

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

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

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

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

550 | 39.302 Protective investigations of institutional child



551 abuse, abandonment, or neglect.-

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



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

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

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



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

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

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

611 39.402 Placement in a shelter.-

612 (8)

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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



726 read:

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

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

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



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

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

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



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

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

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

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

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



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

804

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

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

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

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



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

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

831 39.507 Adjudicatory hearings; orders of adjudication.—

832 (7)

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



851 readjudicated.

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

854 39.5085 Relative Caregiver Program.—

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

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

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

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



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

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

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



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

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

907 39.521 Disposition hearings; powers of disposition.—

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

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

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



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

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

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

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

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



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



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

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

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



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

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

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

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



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

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

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

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



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1051 department.

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

1060

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



- 1151 | (f) An assessment of child functioning.
- 1152 | (g) A safety analysis describing the capacity for an in-
- 1153 | home safety plan to control the conditions that result in the
- 1154 | child being unsafe and the specific actions necessary to keep
- 1155 | the child safe.
- 1156 | (h) Identification of the conditions for return which
- 1157 | would allow the child to be placed safely back into the home
- 1158 | with an in-home safety plan and any safety management services
- 1159 | necessary to ensure the child's safety.
- 1160 | ~~(a) The capacity and disposition of the parents to provide~~
- 1161 | ~~the child with food, clothing, medical care, or other remedial~~
- 1162 | ~~care recognized and permitted under the laws of this state in~~
- 1163 | ~~lieu of medical care, and other material needs.~~
- 1164 | ~~(b) The length of time the child has lived in a stable,~~
- 1165 | ~~satisfactory environment and the desirability of maintaining~~
- 1166 | ~~continuity.~~
- 1167 | ~~(c) The mental and physical health of the parents.~~
- 1168 | ~~(d) The home, school, and community record of the child.~~
- 1169 | (i)-(e) The reasonable preference of the child, if the
- 1170 | court deems the child to be of sufficient intelligence,
- 1171 | understanding, and experience to express a preference.
- 1172 | ~~(f) Evidence of domestic violence or child abuse.~~
- 1173 | ~~(g) An assessment defining the dangers and risks of~~
- 1174 | ~~returning the child home, including a description of the changes~~
- 1175 | ~~in and resolutions to the initial risks.~~



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

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

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

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

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

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

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

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



1201 services.

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

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

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

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

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

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

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



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

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

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

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

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



1251 and possible outcomes.

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

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

1258

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

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

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

1271

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



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

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

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

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

1300 39.522 Postdisposition change of custody.—The court may



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

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

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



1326 reunification would be in the best interest of the child.

1327 Section 14. Effective January 1, 2018, section 39.523,
1328 Florida Statutes, is amended to read:

1329 (Substantial rewording of section. See
1330 s. 39.523, F.S., for present text.)

1331 39.523 Placement in out-of-home care.—

1332 (1) LEGISLATIVE FINDINGS AND INTENT.—

1333 (a) The Legislature finds that it is a basic tenet of
1334 child welfare practice and the law that a child be placed in the
1335 least restrictive, most family-like setting available in close
1336 proximity to the home of his or her parents which meets the
1337 needs of the child, and that a child be placed in a permanent
1338 home in a timely manner.

1339 (b) The Legislature also finds that there is an
1340 association between placements that do not meet the needs of the
1341 child and adverse outcomes for the child, that mismatching
1342 placements to children's needs has been identified as a factor
1343 that negatively impacts placement stability, and that
1344 identifying the right placement for each child requires
1345 effective assessment.

1346 (c) It is the intent of the Legislature that whenever a
1347 child is unable to safely remain at home with a parent, the most
1348 appropriate available out-of-home placement shall be chosen
1349 after an assessment of the child's needs and the availability of
1350 caregivers qualified to meet the child's needs.



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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

1423 39.6011 Case plan development.—

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



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

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

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

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

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



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

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

1466 39.6012 Case plan tasks; services.—

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

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



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

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

1483 1. The type of services or treatment.

1484 2. The date the department will provide each service or
1485 referral for the service if the service is being provided by the
1486 department or its agent.

1487 3. The date by which the parent must complete each task.

1488 4. The frequency of services or treatment provided. The
1489 frequency of the delivery of services or treatment provided
1490 shall be determined by the professionals providing the services
1491 or treatment on a case-by-case basis and adjusted according to
1492 their best professional judgment.

1493 5. The location of the delivery of the services.

1494 6. The staff of the department or service provider
1495 accountable for the services or treatment.

1496 7. A description of the measurable objectives, including
1497 the timeframes specified for achieving the objectives of the
1498 case plan and addressing the identified problem.

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



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

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

1507 39.6035 Transition plan.—

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

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

1517 39.621 Permanency determination by the court.—

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

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

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



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

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

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

1536 39.6221 Permanent guardianship of a dependent child.—

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

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

1541 39.701 Judicial review.—

1542 (1) GENERAL PROVISIONS.—

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

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



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

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

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

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

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

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

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

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



1576 search and inquiry no such relative can be found.

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

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

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

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

1598
1599 The document containing the notice to respond or appear must
1600 contain, in type at least as large as the type in the balance of



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

1714 39.806 Grounds for termination of parental rights.—

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

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

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



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

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

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

1737 39.811 Powers of disposition; order of disposition.—

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

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

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

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

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

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



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



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

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

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

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



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

1804

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

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

1814 394.463 Involuntary examination.—

1815 (2) INVOLUNTARY EXAMINATION.—

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

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



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

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

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

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



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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

1928 402.40 Child welfare training and certification.—

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

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

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

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

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

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



1951 pursuant to chapter 39.

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

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

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

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

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

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



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

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

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

1995 409.992 Lead agency expenditures.—

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

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



2001 advice in the development of the financial guidelines.

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

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

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



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

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

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

2042 (a) The accountability system must:

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



- 2151 1. To any person, firm, or corporation that has procured
2152 or furnished such care or treatment with the patient's consent.
- 2153 2. When compulsory physical examination is made pursuant
2154 to Rule 1.360, Florida Rules of Civil Procedure, in which case
2155 copies of the medical records shall be furnished to both the
2156 defendant and the plaintiff.
- 2157 3. In any civil or criminal action, unless otherwise
2158 prohibited by law, upon the issuance of a subpoena from a court
2159 of competent jurisdiction and proper notice to the patient or
2160 the patient's legal representative by the party seeking such
2161 records.
- 2162 4. For statistical and scientific research, provided the
2163 information is abstracted in such a way as to protect the
2164 identity of the patient or provided written permission is
2165 received from the patient or the patient's legal representative.
- 2166 5. To a regional poison control center for purposes of
2167 treating a poison episode under evaluation, case management of
2168 poison cases, or compliance with data collection and reporting
2169 requirements of s. 395.1027 and the professional organization
2170 that certifies poison control centers in accordance with federal
2171 law.
- 2172 6. To the Department of Children and Families, its agent,
2173 or its contracted entity, for the purpose of investigations of
2174 or services for cases of abuse, neglect, or exploitation of
2175 children or vulnerable adults.



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

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

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

2182 743.067 Certified unaccompanied homeless youths.—

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

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

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

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

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

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



2201 ~~4. A circuit court.~~

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

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

2204 Department of Children and Families shall develop a standardized

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

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

2207 front of the form must include the circumstances that qualify

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

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

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

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

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

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

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

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

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

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

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

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

2220 issued by the Department of Highway Safety and Motor Vehicles

2221 pursuant to s. 322.051(9).

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

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

2224 unaccompanied homeless youth and may keep a copy of the

2225 certificate in the youth's medical file.



- 2226 (3) A certified ~~an~~ unaccompanied homeless youth may:
- 2227 (a) Petition the circuit court to have the disabilities of
- 2228 nonage removed under s. 743.015. The youth shall qualify as a
- 2229 person not required to prepay costs and fees as provided in s.
- 2230 57.081. The court shall advance the cause on the calendar.
- 2231 (b) Notwithstanding s. 394.4625(1), consent to medical,
- 2232 dental, psychological, substance abuse, and surgical diagnosis
- 2233 and treatment, including preventative care and care by a
- 2234 facility licensed under chapter 394, chapter 395, or chapter 397
- 2235 and any forensic medical examination for the purpose of
- 2236 investigating any felony offense under chapter 784, chapter 787,
- 2237 chapter 794, chapter 800, or chapter 827, for:
- 2238 1. Himself or herself; or
- 2239 2. His or her child, if the certified unaccompanied
- 2240 homeless youth is unmarried, is the parent of the child, and has
- 2241 actual custody of the child.
- 2242 (4) This section does not affect the requirements of s.
- 2243 390.01114.
- 2244 Section 37. Paragraph (f) of subsection (1) of section
- 2245 1009.25, Florida Statutes, is amended to read:
- 2246 1009.25 Fee exemptions.—
- 2247 (1) The following students are exempt from the payment of
- 2248 tuition and fees, including lab fees, at a school district that
- 2249 provides workforce education programs, Florida College System
- 2250 institution, or state university:



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

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

2263 39.524 Safe-harbor placement.—

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



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

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

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

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

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

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

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

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

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

2298 | (6) LOCATION INFORMATION.—

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



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

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

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

2316 960.065 Eligibility for awards.—

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

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

2323 409.1679 Additional requirements; reimbursement
2324 methodology.—

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



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

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

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

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



2351 reviewed and approved by the court within 30 days.

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

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

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

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

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

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



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

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

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

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

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

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



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2017

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

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