

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

188           39.301 Initiation of protective investigations.—

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

386 39.402 Placement in a shelter.-

387 (8)

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

526 regarding the child.

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

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

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

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

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

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

- 576           6. Vacate the home in which the child resides.  
 577           7. Comply with the terms of a safety plan implemented in  
 578 the injunction pursuant to s. 39.301.

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

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

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

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

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

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

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



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

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

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

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

616 39.507 Adjudicatory hearings; orders of adjudication.—

617 (7)

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

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

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

639 39.5085 Relative Caregiver Program.—

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

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

651 with the relative under this chapter.

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

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

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

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

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

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

692 39.521 Disposition hearings; powers of disposition.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

- 809           a. Ninety days after the disposition hearing;  
810           b. Ninety days after the court accepts the case plan;  
811           c. Six months after the date of the last review hearing;

812 or

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

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

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

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

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

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

850 9. Other requirements necessary to protect the health,

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

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

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

876 | that it made reasonable efforts.

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

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

883 |           a. Enter written findings as to whether prevention or  
884 | reunification efforts were indicated.

885 |           b. If prevention or reunification efforts were indicated,  
886 | include a brief written description of what appropriate and  
887 | available prevention and reunification efforts were made.

888 |           c. Indicate in writing why further efforts could or could  
889 | not have prevented or shortened the separation of the parent and  
890 | child.

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

893 |           a. The first contact of the department with the family  
894 | occurs during an emergency;

895 |           b. The appraisal by the department of the home situation  
896 | indicates a substantial and immediate danger to the child's  
897 | safety or physical, mental, or emotional health which cannot be  
898 | mitigated by the provision of preventive services;

899 |           c. The child cannot safely remain at home, because there  
900 | are no preventive services that can ensure the health and safety

901 of the child or, even with appropriate and available services  
902 being provided, the health and safety of the child cannot be  
903 ensured; or

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

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

913 5. If the court finds that the prevention or reunification  
914 effort of the department would not have permitted the child to  
915 remain safely at home, the court may commit the child to the  
916 temporary legal custody of the department or take any other  
917 action authorized by this chapter.

918 (2) The family functioning assessment ~~predisposition study~~  
919 must provide the court with the following documented  
920 information:

921 (a) Evidence of maltreatment and the circumstances  
922 accompanying the maltreatment.

923 (b) Identification of all danger threats active in the  
924 home.

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

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

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

930           (f) An assessment of child functioning.

931           (g) A safety analysis describing the capacity for an in-  
 932 home safety plan to control the conditions that result in the  
 933 child being unsafe and the specific actions necessary to keep  
 934 the child safe.

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

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

943           ~~(b) The length of time the child has lived in a stable,~~  
 944 ~~satisfactory environment and the desirability of maintaining~~  
 945 ~~continuity.~~

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

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

948           (i)~~(e)~~ The reasonable preference of the child, if the  
 949 court deems the child to be of sufficient intelligence,  
 950 understanding, and experience to express a preference.

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

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

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

958 ~~(i) A description of the benefits of returning the child~~  
959 ~~home.~~

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

961 (j)(k) Child welfare A Florida Abuse Hotline Information  
962 System (FAHIS) history from the Statewide Automated Child  
963 Welfare Information System (SACWIS) and criminal records check  
964 for all caregivers, family members, and individuals residing  
965 within the household from which the child was removed.

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

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

972 (m)(n) A listing of appropriate and available safety  
973 management prevention and reunification services for the parent  
974 and child to prevent the removal of the child from the home or  
975 to reunify the child with the parent after removal, ~~including~~

976 ~~the availability of family preservation services~~ and an  
977 explanation of the following:

978 1. If the services were or were not provided.

979 2. If the services were provided, the outcome of the  
980 services.

981 3. If the services were not provided, why they were not  
982 provided.

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

985 ~~(o) A listing of other prevention and reunification~~  
986 ~~services that were available but determined to be inappropriate~~  
987 ~~and why.~~

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

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

993 (o) ~~(r)~~ If the child has been removed from the home and  
994 will be remaining with a relative, parent, or other adult  
995 approved by the court, a home study report concerning the  
996 proposed placement shall be provided to the court ~~included in~~  
997 ~~the predisposition report~~. Before recommending to the court any  
998 out-of-home placement for a child other than placement in a  
999 licensed shelter or foster home, the department shall conduct a  
1000 study of the home of the proposed legal custodians, which must



1001 include, at a minimum:

1002 1. An interview with the proposed legal custodians to  
1003 assess their ongoing commitment and ability to care for the  
1004 child.

1005 2. Records checks through the State Automated Child  
1006 Welfare Information System (SACWIS), and local and statewide  
1007 criminal and juvenile records checks through the Department of  
1008 Law Enforcement, on all household members 12 years of age or  
1009 older. In addition, the fingerprints of any household members  
1010 who are 18 years of age or older may be submitted to the  
1011 Department of Law Enforcement for processing and forwarding to  
1012 the Federal Bureau of Investigation for state and national  
1013 criminal history information. The department has the discretion  
1014 to request State Automated Child Welfare Information System  
1015 (SACWIS) and local, statewide, and national criminal history  
1016 checks and fingerprinting of any other visitor to the home who  
1017 is made known to the department. Out-of-state criminal records  
1018 checks must be initiated for any individual who has resided in a  
1019 state other than Florida if that state's laws allow the release  
1020 of these records. The out-of-state criminal records must be  
1021 filed with the court within 5 days after receipt by the  
1022 department or its agent.

1023 3. An assessment of the physical environment of the home.

1024 4. A determination of the financial security of the  
1025 proposed legal custodians.

1026 5. A determination of suitable child care arrangements if  
 1027 the proposed legal custodians are employed outside of the home.

1028 6. Documentation of counseling and information provided to  
 1029 the proposed legal custodians regarding the dependency process  
 1030 and possible outcomes.

1031 7. Documentation that information regarding support  
 1032 services available in the community has been provided to the  
 1033 proposed legal custodians.

1034 8. The reasonable preference of the child, if the court  
 1035 deems the child to be of sufficient intelligence, understanding,  
 1036 and experience to express a preference.

1037  
 1038 The department may not place the child or continue the placement  
 1039 of the child in a home under shelter or postdisposition  
 1040 placement if the results of the home study are unfavorable,  
 1041 unless the court finds that this placement is in the child's  
 1042 best interest.

1043 ~~(p)~~~~(s)~~ If the child has been removed from the home, a  
 1044 determination of the amount of child support each parent will be  
 1045 required to pay pursuant to s. 61.30.

1046 ~~(t) If placement of the child with anyone other than the~~  
 1047 ~~child's parent is being considered, the predisposition study~~  
 1048 ~~shall include the designation of a specific length of time as to~~  
 1049 ~~when custody by the parent will be reconsidered.~~

1050

1051 Any other relevant and material evidence, including other  
1052 written or oral reports, may be received by the court in its  
1053 effort to determine the action to be taken with regard to the  
1054 child and may be relied upon to the extent of its probative  
1055 value, even though not competent in an adjudicatory hearing.  
1056 Except as otherwise specifically provided, nothing in this  
1057 section prohibits the publication of proceedings in a hearing.

1058 (6) With respect to a child who is the subject in  
1059 proceedings under this chapter, the court may issue to the  
1060 department an order to show cause why it should not return the  
1061 child to the custody of the parents upon the presentation of  
1062 evidence that the conditions for return of the child have been  
1063 met ~~expiration of the case plan, or sooner if the parents have~~  
1064 ~~substantially complied with the case plan.~~

1065 (7) The court may enter an order ending its jurisdiction  
1066 over a child when a child has been returned to the parents,  
1067 provided the court shall not terminate its jurisdiction or the  
1068 department's supervision over the child until 6 months after the  
1069 child's return. The department shall supervise the placement of  
1070 the child after reunification for at least 6 months with each  
1071 parent or legal custodian from whom the child was removed. The  
1072 court shall determine whether its jurisdiction should be  
1073 continued or terminated in such a case based on a report of the  
1074 department or agency or the child's guardian ad litem, and any  
1075 other relevant factors; if its jurisdiction is to be terminated,

1076 | the court shall enter an order to that effect.

1077 |       Section 11. Subsections (2) and (3) of section 39.522,  
1078 | Florida Statutes, are amended to read:

1079 |       39.522 Postdisposition change of custody.—The court may  
1080 | change the temporary legal custody or the conditions of  
1081 | protective supervision at a postdisposition hearing, without the  
1082 | necessity of another adjudicatory hearing.

1083 |       (2) In cases where the issue before the court is whether a  
1084 | child should be reunited with a parent, the court shall review  
1085 | the conditions for return and determine whether the  
1086 | circumstances that caused the out-of-home placement and issues  
1087 | subsequently identified have been remedied ~~parent has~~  
1088 | ~~substantially complied with the terms of the case plan to the~~  
1089 | ~~extent that the~~ return of the child to the home with an in-home  
1090 | safety plan prepared or approved by the department will not be  
1091 | detrimental to the child's safety, well-being, and physical,  
1092 | mental, and emotional health ~~of the child is not endangered by~~  
1093 | ~~the return of the child to the home.~~

1094 |       (3) In cases where the issue before the court is whether a  
1095 | child who is placed in the custody of a parent should be  
1096 | reunited with the other parent upon a finding that the  
1097 | circumstances that caused the out-of-home placement and issues  
1098 | subsequently identified have been remedied to the extent that  
1099 | the return of the child to the home of the other parent with an  
1100 | in-home safety plan prepared or approved by the department will

1101 not be detrimental to the child ~~of substantial compliance with~~  
1102 ~~the terms of the case plan,~~ the standard shall be that the  
1103 safety, well-being, and physical, mental, and emotional health  
1104 of the child would not be endangered by reunification and that  
1105 reunification would be in the best interest of the child.

1106 Section 12. Subsection (1) of section 39.6011, Florida  
1107 Statutes, is amended to read:

1108 39.6011 Case plan development.—

1109 (1) The department shall prepare a draft of the case plan  
1110 for each child receiving services under this chapter. A parent  
1111 of a child may not be threatened or coerced with the loss of  
1112 custody or parental rights for failing to admit in the case plan  
1113 of abusing, neglecting, or abandoning a child. Participating in  
1114 the development of a case plan is not an admission to any  
1115 allegation of abuse, abandonment, or neglect, and it is not a  
1116 consent to a finding of dependency or termination of parental  
1117 rights. The case plan shall be developed subject to the  
1118 following requirements:

1119 (a) The case plan must be developed in a face-to-face  
1120 conference with the parent of the child, any court-appointed  
1121 guardian ad litem, and, if appropriate, the child and the  
1122 temporary custodian of the child.

1123 (b) Notwithstanding s. 39.202, the department may discuss  
1124 confidential information during the case planning conference in  
1125 the presence of individuals who participate in the conference.

1126 All individuals who participate in the conference shall maintain  
1127 the confidentiality of all information shared during the case  
1128 planning conference.

1129 (c)~~(b)~~ The parent may receive assistance from any person  
1130 or social service agency in preparing the case plan. The social  
1131 service agency, the department, and the court, when applicable,  
1132 shall inform the parent of the right to receive such assistance,  
1133 including the right to assistance of counsel.

1134 (d)~~(e)~~ If a parent is unwilling or unable to participate  
1135 in developing a case plan, the department shall document that  
1136 unwillingness or inability to participate. The documentation  
1137 must be provided in writing to the parent when available for the  
1138 court record, and the department shall prepare a case plan  
1139 conforming as nearly as possible with the requirements set forth  
1140 in this section. The unwillingness or inability of the parent to  
1141 participate in developing a case plan does not preclude the  
1142 filing of a petition for dependency or for termination of  
1143 parental rights. The parent, if available, must be provided a  
1144 copy of the case plan and be advised that he or she may, at any  
1145 time before the filing of a petition for termination of parental  
1146 rights, enter into a case plan and that he or she may request  
1147 judicial review of any provision of the case plan with which he  
1148 or she disagrees at any court hearing set for the child.

1149 Section 13. Subsection (1) of section 39.6012, Florida  
1150 Statutes, is amended to read:

1151 39.6012 Case plan tasks; services.—

1152 (1) The services to be provided to the parent and the  
1153 tasks that must be completed are subject to the following:

1154 (a) The services described in the case plan must be  
1155 designed to improve the conditions in the home and aid in  
1156 maintaining the child in the home, facilitate the child's safe  
1157 return to the home, ensure proper care of the child, or  
1158 facilitate the child's permanent placement. The services offered  
1159 must be the least intrusive possible into the life of the parent  
1160 and child, must focus on clearly defined objectives, and must  
1161 provide the most efficient path to quick reunification or  
1162 permanent placement given the circumstances of the case and the  
1163 child's need for safe and proper care.

1164 (b) The case plan must describe each of the tasks with  
1165 which the parent must comply and the services to be provided to  
1166 the parent, specifically addressing the identified problem,  
1167 including:

- 1168 1. The type of services or treatment.
- 1169 2. The date the department will provide each service or  
1170 referral for the service if the service is being provided by the  
1171 department or its agent.
- 1172 3. The date by which the parent must complete each task.
- 1173 4. The frequency of services or treatment provided. The  
1174 frequency of the delivery of services or treatment provided  
1175 shall be determined by the professionals providing the services

1176 or treatment on a case-by-case basis and adjusted according to  
 1177 their best professional judgment.

1178 5. The location of the delivery of the services.

1179 6. The staff of the department or service provider  
 1180 accountable for the services or treatment.

1181 7. A description of the measurable objectives, including  
 1182 the timeframes specified for achieving the objectives of the  
 1183 case plan and addressing the identified problem.

1184 (c) If there is evidence of harm as defined in s.  
 1185 39.01(30)(g), the case plan must include as a required task for  
 1186 the parent whose actions caused the harm that the parent submit  
 1187 to a substance abuse disorder assessment or evaluation and  
 1188 participate and comply with treatment and services identified in  
 1189 the assessment or evaluation as being necessary.

1190 Section 14. Subsection (7) is added to section 39.6221,  
 1191 Florida Statutes, to read:

1192 39.6221 Permanent guardianship of a dependent child.—

1193 (7) The requirements of s. 61.13001 do not apply to  
 1194 permanent guardianships established under this section.

1195 Section 15. Paragraph (h) is added to subsection (1) of  
 1196 section 39.701, Florida Statutes, to read:

1197 39.701 Judicial review.—

1198 (1) GENERAL PROVISIONS.—

1199 (h) If a child is born into a family that is under the  
 1200 court's jurisdiction or a child moves into a home that is under



1201 the court's jurisdiction, the department shall assess the  
1202 child's safety and provide notice to the court.

1203 1. The department shall complete an assessment to  
1204 determine how the addition of a child will impact family  
1205 functioning. The assessment must be completed at least 30 days  
1206 before a child is expected to be born or to move into a home, or  
1207 within 72 hours after the department learns of the pregnancy or  
1208 addition if the child is expected to be born or to move into the  
1209 home in less than 30 days. The assessment shall be filed with  
1210 the court.

1211 2. Once a child is born into a family or a child moves  
1212 into the home, the department shall complete a progress update  
1213 and file it with the court.

1214 3. The court has the discretion to hold a hearing on the  
1215 progress update filed by the department.

1216 4. The department shall adopt rules to implement this  
1217 subsection.

1218 Section 16. Subsection (3) of section 39.801, Florida  
1219 Statutes, is amended to read:

1220 39.801 Procedures and jurisdiction; notice; service of  
1221 process.—

1222 (3) Before the court may terminate parental rights, in  
1223 addition to the other requirements set forth in this part, the  
1224 following requirements must be met:

1225 (a) Notice of the date, time, and place of the advisory

1226 hearing for the petition to terminate parental rights and a copy  
 1227 of the petition must be personally served upon the following  
 1228 persons, specifically notifying them that a petition has been  
 1229 filed:

- 1230 1. The parents of the child.
- 1231 2. The legal custodians of the child.
- 1232 3. If the parents who would be entitled to notice are dead  
 1233 or unknown, a living relative of the child, unless upon diligent  
 1234 search and inquiry no such relative can be found.
- 1235 4. Any person who has physical custody of the child.
- 1236 5. Any grandparent entitled to priority for adoption under  
 1237 s. 63.0425.
- 1238 6. Any prospective parent who has been identified under s.  
 1239 39.503 or s. 39.803, unless a court order has been entered  
 1240 pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9) which  
 1241 indicates no further notice is required. Except as otherwise  
 1242 provided in this section, if there is not a legal father, notice  
 1243 of the petition for termination of parental rights must be  
 1244 provided to any known prospective father who is identified under  
 1245 oath before the court or who is identified by a diligent search  
 1246 of the Florida Putative Father Registry. Service of the notice  
 1247 of the petition for termination of parental rights may not be  
 1248 required if the prospective father executes an affidavit of  
 1249 nonpaternity or a consent to termination of his parental rights  
 1250 which is accepted by the court after notice and opportunity to

1251 be heard by all parties to address the best interests of the  
 1252 child in accepting such affidavit.

1253 7. The guardian ad litem for the child or the  
 1254 representative of the guardian ad litem program, if the program  
 1255 has been appointed.

1256  
 1257 The document containing the notice to respond or appear must  
 1258 contain, in type at least as large as the type in the balance of  
 1259 the document, the following or substantially similar language:

1260 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING  
 1261 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF  
 1262 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND  
 1263 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE  
 1264 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS  
 1265 NOTICE."

1266 (b) If a party required to be served with notice as  
 1267 prescribed in paragraph (a) cannot be served, notice of hearings  
 1268 must be given as prescribed by the rules of civil procedure, and  
 1269 service of process must be made as specified by law or civil  
 1270 actions.

1271 (c) Notice as prescribed by this section may be waived, in  
 1272 the discretion of the judge, with regard to any person to whom  
 1273 notice must be given under this subsection if the person  
 1274 executes, before two witnesses and a notary public or other  
 1275 officer authorized to take acknowledgments, a written surrender

1276 of the child to a licensed child-placing agency or the  
 1277 department.

1278 (d) If the person served with notice under this section  
 1279 fails to personally appear at the advisory hearing, the failure  
 1280 to personally appear shall constitute consent for termination of  
 1281 parental rights by the person given notice. If a parent appears  
 1282 for the advisory hearing and the court orders that parent to  
 1283 personally appear at the adjudicatory hearing for the petition  
 1284 for termination of parental rights, stating the date, time, and  
 1285 location of said hearing, then failure of that parent to  
 1286 personally appear at the adjudicatory hearing shall constitute  
 1287 consent for termination of parental rights.

1288 Section 17. Section 39.803, Florida Statutes, is amended,  
 1289 to read:

1290 39.803 Identity or location of parent unknown after filing  
 1291 of termination of parental rights petition; special procedures.—

1292 (1) If the identity or location of a parent is unknown and  
 1293 a petition for termination of parental rights is filed, the  
 1294 court shall conduct under oath the following inquiry of the  
 1295 parent who is available, or, if no parent is available, of any  
 1296 relative, caregiver, or legal custodian of the child who is  
 1297 present at the hearing and likely to have the information:

1298 (a) Whether the mother of the child was married at the  
 1299 probable time of conception of the child or at the time of birth  
 1300 of the child.

1301 (b) Whether the mother was cohabiting with a male at the  
 1302 probable time of conception of the child.

1303 (c) Whether the mother has received payments or promises  
 1304 of support with respect to the child or because of her pregnancy  
 1305 from a man who claims to be the father.

1306 (d) Whether the mother has named any man as the father on  
 1307 the birth certificate of the child or in connection with  
 1308 applying for or receiving public assistance.

1309 (e) Whether any man has acknowledged or claimed paternity  
 1310 of the child in a jurisdiction in which the mother resided at  
 1311 the time of or since conception of the child, or in which the  
 1312 child has resided or resides.

1313 (f) Whether a man is named on the birth certificate of the  
 1314 child pursuant to s. 382.013(2).

1315 (g) Whether a man has been determined by a court order to  
 1316 be the father of the child.

1317 (h) Whether a man has been determined by an administrative  
 1318 proceeding to be the father of the child.

1319 (2) The information required in subsection (1) may be  
 1320 supplied to the court or the department in the form of a sworn  
 1321 affidavit by a person having personal knowledge of the facts.

1322 (3) If the inquiry under subsection (1) identifies any  
 1323 person as a parent or prospective parent, the court shall  
 1324 require notice of the hearing to be provided to that person.

1325 (4) If the inquiry under subsection (1) fails to identify

1326 any person as a parent or prospective parent, the court shall so  
1327 find and may proceed without further notice.

1328 (5) If the inquiry under subsection (1) identifies a  
1329 parent or prospective parent, and that person's location is  
1330 unknown, the court shall direct the petitioner to conduct a  
1331 diligent search for that person before scheduling an  
1332 adjudicatory hearing regarding the petition for termination of  
1333 parental rights to the child unless the court finds that the  
1334 best interest of the child requires proceeding without actual  
1335 notice to the person whose location is unknown.

1336 (6) The diligent search required by subsection (5) must  
1337 include, at a minimum, inquiries of all known relatives of the  
1338 parent or prospective parent, inquiries of all offices of  
1339 program areas of the department likely to have information about  
1340 the parent or prospective parent, inquiries of other state and  
1341 federal agencies likely to have information about the parent or  
1342 prospective parent, inquiries of appropriate utility and postal  
1343 providers, a thorough search of at least one electronic database  
1344 specifically designed for locating persons, a search of the  
1345 Florida Putative Father Registry, and inquiries of appropriate  
1346 law enforcement agencies. Pursuant to s. 453 of the Social  
1347 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the  
1348 state agency administering Titles IV-B and IV-E of the act,  
1349 shall be provided access to the federal and state parent locator  
1350 service for diligent search activities.

1351 (7) Any agency contacted by petitioner with a request for  
1352 information pursuant to subsection (6) shall release the  
1353 requested information to the petitioner without the necessity of  
1354 a subpoena or court order.

1355 (8) If the inquiry and diligent search identifies a  
1356 prospective parent, that person must be given the opportunity to  
1357 become a party to the proceedings by completing a sworn  
1358 affidavit of parenthood and filing it with the court or the  
1359 department. A prospective parent who files a sworn affidavit of  
1360 parenthood while the child is a dependent child but no later  
1361 than at the time of or before ~~prior to~~ the adjudicatory hearing  
1362 in the termination of parental rights proceeding for the child  
1363 shall be considered a parent for all purposes under this  
1364 section. If the prospective parent does not file a sworn  
1365 affidavit of parenthood or if the other parent contests the  
1366 determination of parenthood, the court may, after considering  
1367 the best interests of the child, order scientific testing to  
1368 determine the maternity or paternity of the child. The court  
1369 shall assess the cost of the paternity determination as a cost  
1370 of litigation. If the court finds the prospective parent to be a  
1371 parent as a result of the scientific testing, the court shall  
1372 enter a judgment of maternity or paternity, shall assess the  
1373 cost of the scientific testing to the parent, and shall enter an  
1374 amount of child support to be paid by the parent as determined  
1375 under s. 61.30. If the known parent contests the recognition of

1376 | the prospective parent as a parent, the prospective parent shall  
 1377 | not be recognized as a parent until proceedings to establish  
 1378 | paternity have been concluded. However, the prospective parent  
 1379 | shall continue to receive notice of hearings as a participant  
 1380 | until proceedings to establish paternity have been concluded.

1381 | (9) If the diligent search under subsection (5) fails to  
 1382 | identify and locate a prospective parent, the court shall so  
 1383 | find and may proceed without further notice.

1384 | Section 18. Paragraph (1) of subsection (1) of section  
 1385 | 39.806, Florida Statutes, is amended, and subsections (2) and  
 1386 | (3) are republished, to read:

1387 | 39.806 Grounds for termination of parental rights.—

1388 | (1) Grounds for the termination of parental rights may be  
 1389 | established under any of the following circumstances:

1390 | (1) On three or more occasions the child or another child  
 1391 | of the parent or parents has been placed in out-of-home care  
 1392 | pursuant to this chapter or the law of any state, territory, or  
 1393 | jurisdiction of the United States which is substantially similar  
 1394 | to this chapter, and the conditions that led to the child's out-  
 1395 | of-home placement were caused by the parent or parents.

1396 | (2) Reasonable efforts to preserve and reunify families  
 1397 | are not required if a court of competent jurisdiction has  
 1398 | determined that any of the events described in paragraphs

1399 | (1) (b)-(d) or paragraphs (1) (f)-(m) have occurred.

1400 | (3) If a petition for termination of parental rights is



1401 filed under subsection (1), a separate petition for dependency  
 1402 need not be filed and the department need not offer the parents  
 1403 a case plan having a goal of reunification, but may instead file  
 1404 with the court a case plan having a goal of termination of  
 1405 parental rights to allow continuation of services until the  
 1406 termination is granted or until further orders of the court are  
 1407 issued.

1408 Section 19. Subsection (6) of section 39.811, Florida  
 1409 Statutes, is amended to read:

1410 39.811 Powers of disposition; order of disposition.—

1411 (6) The parental rights of one parent may be severed  
 1412 without severing the parental rights of the other parent only  
 1413 under the following circumstances:

1414 (a) If the child has only one surviving parent;

1415 (b) If the identity of a prospective parent has been  
 1416 established as unknown after sworn testimony;

1417 (c) If the parent whose rights are being terminated became  
 1418 a parent through a single-parent adoption;

1419 (d) If the protection of the child demands termination of  
 1420 the rights of a single parent; or

1421 (e) If the parent whose rights are being terminated meets  
 1422 any of the criteria specified in s. 39.806(1) (c), (d), (f), (g),  
 1423 (h), (i), (j), (k), (l), (m), or (n) and ~~(f) (m)~~.

1424 Section 20. Paragraph (g) of subsection (4) of section  
 1425 395.3025, Florida Statutes, is amended, and subsection (8) of

1426 that section is republished, to read:

1427 395.3025 Patient and personnel records; copies;  
 1428 examination.—

1429 (4) Patient records are confidential and must not be  
 1430 disclosed without the consent of the patient or his or her legal  
 1431 representative, but appropriate disclosure may be made without  
 1432 such consent to:

1433 (g) The Department of Children and Families, ~~or~~ or its agent,  
 1434 or its contracted entity, for the purpose of investigations of  
 1435 or services for cases of abuse, neglect, or exploitation of  
 1436 children or vulnerable adults.

1437 (8) Patient records at hospitals and ambulatory surgical  
 1438 centers are exempt from disclosure under s. 119.07(1), except as  
 1439 provided by subsections (1)-(5).

1440 Section 21. Subsections (2) and (6) of section 402.40,  
 1441 Florida Statutes, are amended to read:

1442 402.40 Child welfare training and certification.—

1443 (2) DEFINITIONS.—As used in this section, the term:

1444 (a) "Child welfare certification" means a professional  
 1445 credential awarded by a department-approved third-party  
 1446 credentialing entity to individuals demonstrating core  
 1447 competency in any child welfare practice area.

1448 (b) "Child welfare services" means any intake, protective  
 1449 investigations, preprotective services, protective services,  
 1450 foster care, shelter and group care, and adoption and related

1451 services program, including supportive services and supervision  
1452 provided to children who are alleged to have been abused,  
1453 abandoned, or neglected or who are at risk of becoming, are  
1454 alleged to be, or have been found dependent pursuant to chapter  
1455 39.

1456 (c) "Child welfare trainer" means any person providing  
1457 training for the purposes of child welfare professionals earning  
1458 certification.

1459 (d)~~(e)~~ "Core competency" means the minimum knowledge,  
1460 skills, and abilities necessary to carry out work  
1461 responsibilities.

1462 (e)~~(d)~~ "Person providing child welfare services" means a  
1463 person who has a responsibility for supervisory, direct care, or  
1464 support-related work in the provision of child welfare services  
1465 pursuant to chapter 39.

1466 (f)~~(e)~~ "Preservice curriculum" means the minimum statewide  
1467 training content based upon the core competencies which is made  
1468 available to all persons providing child welfare services.

1469 (g)~~(f)~~ "Third-party credentialing entity" means a  
1470 department-approved nonprofit organization that has met  
1471 nationally recognized standards for developing and administering  
1472 professional certification programs.

1473 (6) ADOPTION OF RULES.—The Department of Children and  
1474 Families shall adopt rules necessary to carry out ~~the provisions~~  
1475 of this section, including the requirements for child welfare

1476 | trainers.

1477 |       Section 22. Paragraph (a) of subsection (7) of section  
1478 | 456.057, Florida Statutes, is amended to read:

1479 |       456.057 Ownership and control of patient records; report  
1480 | or copies of records to be furnished; disclosure of  
1481 | information.—

1482 |       (7) (a) Except as otherwise provided in this section and in  
1483 | s. 440.13(4) (c), such records may not be furnished to, and the  
1484 | medical condition of a patient may not be discussed with, any  
1485 | person other than the patient, the patient's legal  
1486 | representative, or other health care practitioners and providers  
1487 | involved in the patient's care or treatment, except upon written  
1488 | authorization from the patient. However, such records may be  
1489 | furnished without written authorization under the following  
1490 | circumstances:

1491 |       1. To any person, firm, or corporation that has procured  
1492 | or furnished such care or treatment with the patient's consent.

1493 |       2. When compulsory physical examination is made pursuant  
1494 | to Rule 1.360, Florida Rules of Civil Procedure, in which case  
1495 | copies of the medical records shall be furnished to both the  
1496 | defendant and the plaintiff.

1497 |       3. In any civil or criminal action, unless otherwise  
1498 | prohibited by law, upon the issuance of a subpoena from a court  
1499 | of competent jurisdiction and proper notice to the patient or  
1500 | the patient's legal representative by the party seeking such

1501 records.

1502 4. For statistical and scientific research, provided the  
 1503 information is abstracted in such a way as to protect the  
 1504 identity of the patient or provided written permission is  
 1505 received from the patient or the patient's legal representative.

1506 5. To a regional poison control center for purposes of  
 1507 treating a poison episode under evaluation, case management of  
 1508 poison cases, or compliance with data collection and reporting  
 1509 requirements of s. 395.1027 and the professional organization  
 1510 that certifies poison control centers in accordance with federal  
 1511 law.

1512 6. To the Department of Children and Families, its agent,  
 1513 or its contracted entity, for the purpose of investigations of  
 1514 or services for cases of abuse, neglect, or exploitation of  
 1515 children or vulnerable adults.

1516 Section 23. Section 409.141, Florida Statutes, is  
 1517 repealed.

1518 Section 24. Section 409.1677, Florida Statutes, is  
 1519 repealed.

1520 Section 25. Subsection (1) of section 39.524, Florida  
 1521 Statutes, is amended to read:

1522 39.524 Safe-harbor placement.—

1523 (1) Except as provided in s. 39.407 or s. 985.801, a  
 1524 dependent child 6 years of age or older who has been found to be  
 1525 a victim of sexual exploitation as defined in s. 39.01 ~~s.~~

1526 ~~39.01(70)(g)~~ must be assessed for placement in a safe house or  
 1527 safe foster home as provided in s. 409.1678 using the initial  
 1528 screening and assessment instruments provided in s. 409.1754(1).  
 1529 If such placement is determined to be appropriate for the child  
 1530 as a result of this assessment, the child may be placed in a  
 1531 safe house or safe foster home, if one is available. However,  
 1532 the child may be placed in another setting, if the other setting  
 1533 is more appropriate to the child's needs or if a safe house or  
 1534 safe foster home is unavailable, as long as the child's  
 1535 behaviors are managed so as not to endanger other children  
 1536 served in that setting.

1537 Section 26. Paragraph (p) of subsection (4) of section  
 1538 394.495, Florida Statutes, is amended to read:

1539 394.495 Child and adolescent mental health system of care;  
 1540 programs and services.—

1541 (4) The array of services may include, but is not limited  
 1542 to:

1543 (p) Trauma-informed services for children who have  
 1544 suffered sexual exploitation as defined in s. 39.01 ~~s.~~  
 1545 ~~39.01(70)(g)~~.

1546 Section 27. Paragraph (c) of subsection (1) and paragraphs  
 1547 (a) and (b) of subsection (6) of section 409.1678, Florida  
 1548 Statutes, are amended to read:

1549 409.1678 Specialized residential options for children who  
 1550 are victims of sexual exploitation.—

1551 (1) DEFINITIONS.—As used in this section, the term:

1552 (c) "Sexually exploited child" means a child who has

1553 suffered sexual exploitation as defined in s. 39.01 ~~s.~~

1554 ~~39.01(70)(g)~~ and is ineligible for relief and benefits under the

1555 federal Trafficking Victims Protection Act, 22 U.S.C. ss. 7101

1556 et seq.

1557 (6) LOCATION INFORMATION.—

1558 (a) Information about the location of a safe house, safe

1559 foster home, or other residential facility serving victims of

1560 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~,

1561 which is held by an agency, as defined in s. 119.011, is

1562 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

1563 of the State Constitution. This exemption applies to such

1564 confidential and exempt information held by an agency before,

1565 on, or after the effective date of the exemption.

1566 (b) Information about the location of a safe house, safe

1567 foster home, or other residential facility serving victims of

1568 sexual exploitation, as defined in s. 39.01 ~~s. 39.01(70)(g)~~, may

1569 be provided to an agency, as defined in s. 119.011, as necessary

1570 to maintain health and safety standards and to address emergency

1571 situations in the safe house, safe foster home, or other

1572 residential facility.

1573 Section 28. Subsection (5) of section 960.065, Florida

1574 Statutes, is amended to read:

1575 960.065 Eligibility for awards.—

1576 (5) A person is not ineligible for an award pursuant to  
 1577 paragraph (2) (a), paragraph (2) (b), or paragraph (2) (c) if that  
 1578 person is a victim of sexual exploitation of a child as defined  
 1579 in s. 39.01 ~~s. 39.01(70)(g)~~.

1580 Section 29. Section 409.1679, Florida Statutes, is amended  
 1581 to read:

1582 409.1679 Additional requirements; reimbursement  
 1583 methodology.—

1584 (1) Each program established under s. 409.1676 ~~ss.~~  
 1585 ~~409.1676 and 409.1677~~ must meet the following expectations,  
 1586 which must be included in its contracts with the department or  
 1587 lead agency:

1588 (a) No more than 10 percent of the children served may  
 1589 move from one living environment to another, unless the child is  
 1590 returned to family members or is moved, in accordance with the  
 1591 treatment plan, to a less-restrictive setting. Each child must  
 1592 have a comprehensive transitional plan that identifies the  
 1593 child's living arrangement upon leaving the program and specific  
 1594 steps and services that are being provided to prepare for that  
 1595 arrangement. Specific expectations as to the time period  
 1596 necessary for the achievement of these permanency goals must be  
 1597 included in the contract.

1598 (b) Each child must receive a full academic year of  
 1599 appropriate educational instruction. No more than 10 percent of  
 1600 the children may be in more than one academic setting in an



1601 academic year, unless the child is being moved, in accordance  
1602 with an educational plan, to a less-restrictive setting. Each  
1603 child must demonstrate academic progress and must be performing  
1604 at grade level or at a level commensurate with a valid academic  
1605 assessment.

1606 (c) Siblings must be kept together in the same living  
1607 environment 100 percent of the time, unless that is determined  
1608 by the provider not to be in the children's best interest. When  
1609 siblings are separated in placement, the decision must be  
1610 reviewed and approved by the court within 30 days.

1611 (d) The program must experience a caregiver turnover rate  
1612 and an incidence of child runaway episodes which are at least 50  
1613 percent below the rates experienced in the rest of the state.

1614 (e) In addition to providing a comprehensive assessment,  
1615 the program must provide, 100 percent of the time, any or all of  
1616 the following services that are indicated through the  
1617 assessment: residential care; transportation; behavioral health  
1618 services; recreational activities; clothing, supplies, and  
1619 miscellaneous expenses associated with caring for these  
1620 children; necessary arrangements for or provision of educational  
1621 services; and necessary and appropriate health and dental care.

1622 (f) The children who are served in this program must be  
1623 satisfied with the services and living environment.

1624 (g) The caregivers must be satisfied with the program.

1625 (2) ~~Notwithstanding the provisions of s. 409.141, The~~

1626 Department of Children and Families shall fairly and reasonably  
 1627 reimburse the programs established under s. 409.1676 ~~ss.~~  
 1628 ~~409.1676 and 409.1677~~ based on a prospective per diem rate,  
 1629 which must be specified annually in the General Appropriations  
 1630 Act. Funding for these programs shall be made available from  
 1631 resources appropriated and identified in the General  
 1632 Appropriations Act.

1633 Section 30. Subsection (11) of section 1002.3305, Florida  
 1634 Statutes, is amended to read:

1635 1002.3305 College-Preparatory Boarding Academy Pilot  
 1636 Program for at-risk students.—

1637 (11) STUDENT HOUSING.—Notwithstanding s. 409.176 ~~ss.~~  
 1638 ~~409.1677(3)(d) and 409.176~~ or any other provision of law, an  
 1639 operator may house and educate dependent, at-risk youth in its  
 1640 residential school for the purpose of facilitating the mission  
 1641 of the program and encouraging innovative practices.

1642 Section 31. For the purpose of incorporating the amendment  
 1643 made by this act to section 456.057, Florida Statutes, in a  
 1644 reference thereto, subsection (2) of section 483.181, Florida  
 1645 Statutes, is reenacted to read:

1646 483.181 Acceptance, collection, identification, and  
 1647 examination of specimens.—

1648 (2) The results of a test must be reported directly to the  
 1649 licensed practitioner or other authorized person who requested  
 1650 it, and appropriate disclosure may be made by the clinical

1651 laboratory without a patient's consent to other health care  
1652 practitioners and providers involved in the care or treatment of  
1653 the patient as specified in s. 456.057(7)(a). The report must  
1654 include the name and address of the clinical laboratory in which  
1655 the test was actually performed, unless the test was performed  
1656 in a hospital laboratory and the report becomes an integral part  
1657 of the hospital record.

1658 Section 32. This act shall take effect July 1, 2017.