



1 A bill to be entitled
2 An act relating to child welfare; amending s. 39.01,
3 F.S.; redefining the term "permanency goal"; amending
4 s. 39.013, F.S.; extending court jurisdiction to age
5 22 for young adults with disabilities in foster care;
6 amending s. 39.6035, F.S.; requiring a transition plan
7 to be approved before a child reaches 18 years of age;
8 amending s. 39.621, F.S.; specifying the circumstances
9 under which the permanency goal of maintaining and
10 strengthening the placement with a parent may be used;
11 amending s. 125.901, F.S.; providing an exception to
12 the requirement that a county's governing body submit
13 a general election ballot question on whether to
14 retain a children's services district with voter-
15 approved taxing authority; amending s. 409.996, F.S.;
16 requiring the Department of Children and Families, in
17 collaboration with certain entities, to develop a
18 statewide quality accountability system for
19 residential group care providers; providing
20 requirements for the system; requiring the department
21 to submit a report to the Governor and the Legislature
22 by a specified date and annually thereafter; providing
23 requirements for the report; requiring the system to
24 be implemented by a specified date; authorizing the
25 department to adopt rules; requiring the department to



26 | convene a workgroup; providing requirements for the
27 | workgroup; requiring the department to submit a report
28 | to the Governor and the Legislature by a specified
29 | date; providing requirements for the report; amending
30 | s. 39.507, F.S.; requiring a court to consider
31 | maltreatment allegations against a parent in an
32 | evidentiary hearing relating to a dependency petition;
33 | amending s. 39.521, F.S.; providing for assessment and
34 | program compliance for a parent who caused harm to a
35 | child by exposing the child to a controlled substance;
36 | amending s. 39.701, F.S.; providing safety assessment
37 | requirements for children coming into a home under
38 | court jurisdiction; granting rulemaking authority;
39 | amending s. 39.806, F.S.; revising circumstances under
40 | which grounds for the termination of parental rights
41 | may be established; amending s. 39.811, F.S.; revising
42 | circumstances under which the rights of one parent may
43 | be terminated without terminating the rights of the
44 | other parent; providing an effective date.

45 |
46 | Be It Enacted by the Legislature of the State of Florida:

47 |
48 | Section 1. Subsection (52) of section 39.01, Florida
49 | Statutes, is amended to read:

50 | 39.01 Definitions.—When used in this chapter, unless the



51 context otherwise requires:

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

57 ~~(a) Reunification;~~

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

60 ~~(c) Permanent guardianship of a dependent child under s.~~
 61 ~~39.6221;~~

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

64 ~~(e) Placement in another planned permanent living~~
 65 ~~arrangement under s. 39.6241.~~

66
 67 The permanency goal is also the case plan goal. If concurrent
 68 case planning is being used, reunification may be pursued at the
 69 same time that another permanency goal is pursued.

70 Section 2. Subsection (2) of section 39.013, Florida
 71 Statutes, is amended to read:

72 39.013 Procedures and jurisdiction; right to counsel.—

73 (2) The circuit court has exclusive original jurisdiction
 74 of all proceedings under this chapter, of a child voluntarily
 75 placed with a licensed child-caring agency, a licensed child-



76 placing agency, or the department, and of the adoption of
77 children whose parental rights have been terminated under this
78 chapter. Jurisdiction attaches when the initial shelter
79 petition, dependency petition, or termination of parental rights
80 petition, or a petition for an injunction to prevent child abuse
81 issued pursuant to s. 39.504, is filed or when a child is taken
82 into the custody of the department. The circuit court may assume
83 jurisdiction over any such proceeding regardless of whether the
84 child was in the physical custody of both parents, was in the
85 sole legal or physical custody of only one parent, caregiver, or
86 some other person, or was not in the physical or legal custody
87 of any person when the event or condition occurred that brought
88 the child to the attention of the court. When the court obtains
89 jurisdiction of any child who has been found to be dependent,
90 the court shall retain jurisdiction, unless relinquished by its
91 order, until the child reaches 21 years of age, or 22 years of
92 age if the child has a disability, with the following
93 exceptions:

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

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

99 (c) If a young adult petitions the court at any time
100 before his or her 19th birthday requesting the court's continued



101 jurisdiction, the juvenile court may retain jurisdiction under
102 this chapter for a period not to exceed 1 year following the
103 young adult's 18th birthday for the purpose of determining
104 whether appropriate services that were required to be provided
105 to the young adult before reaching 18 years of age have been
106 provided.

107 (d) If a petition for special immigrant juvenile status
108 and an application for adjustment of status have been filed on
109 behalf of a foster child and the petition and application have
110 not been granted by the time the child reaches 18 years of age,
111 the court may retain jurisdiction over the dependency case
112 solely for the purpose of allowing the continued consideration
113 of the petition and application by federal authorities. Review
114 hearings for the child shall be set solely for the purpose of
115 determining the status of the petition and application. The
116 court's jurisdiction terminates upon the final decision of the
117 federal authorities. Retention of jurisdiction in this instance
118 does not affect the services available to a young adult under s.
119 409.1451. The court may not retain jurisdiction of the case
120 after the immigrant child's 22nd birthday.

121 Section 3. Subsection (4) of section 39.6035, Florida
122 Statutes, is amended to read:

123 39.6035 Transition plan.—

124 (4) ~~If a child is planning to leave care upon reaching 18~~
125 ~~years of age,~~ The transition plan must be approved by the court



126 | before the child's 18th birthday and must be attached to the
127 | case plan and updated before each judicial review ~~child leaves~~
128 | ~~care and the court terminates jurisdiction.~~

129 | Section 4. Present subsections (2) through (11) of section
130 | 39.621, Florida Statutes, are redesignated as subsections (3)
131 | through (12), respectively, and a new subsection (2) is added to
132 | that section to read:

133 | 39.621 Permanency determination by the court.—

134 | (2) The permanency goal of maintaining and strengthening
135 | the placement with a parent may be used in all of the following
136 | circumstances:

137 | (a) If a child has not been removed from a parent, even if
138 | adjudication of dependency is withheld, the court may leave the
139 | child in the current placement with maintaining and
140 | strengthening the placement as a permanency option.

141 | (b) If a child has been removed from a parent and is
142 | placed with the parent from whom the child was not removed, the
143 | court may leave the child in the placement with the parent from
144 | whom the child was not removed with maintaining and
145 | strengthening the placement as a permanency option.

146 | (c) If a child has been removed from a parent and is
147 | subsequently reunified with that parent, the court may leave the
148 | child with that parent with maintaining and strengthening the
149 | placement as a permanency option.

150 | Section 5. Paragraph (b) of subsection (4) of section



151 125.901, Florida Statutes, is amended to read:

152 125.901 Children's services; independent special district;
 153 council; powers, duties, and functions; public records
 154 exemption.—

155 (4)

156 (b)1.a. Notwithstanding paragraph (a), the governing body
 157 of the county shall submit the question of retention or
 158 dissolution of a district with voter-approved taxing authority
 159 to the electorate in the general election according to the
 160 following schedule:

161 (I) For a district in existence on July 1, 2010, and
 162 serving a county with a population of 400,000 or fewer persons
 163 as of that date.....2014.

164 (II) For a district in existence on July 1, 2010, and
 165 serving a county with a population of 2 million or more persons
 166 as of that date, unless the governing body of the county has
 167 previously submitted such question voluntarily to the electorate
 168 for a second time after 2005,.....2020.

169 b. A referendum by the electorate on or after July 1,
 170 2010, creating a new district with taxing authority may specify
 171 that the district is not subject to reauthorization or may
 172 specify the number of years for which the initial authorization
 173 shall remain effective. If the referendum does not prescribe
 174 terms of reauthorization, the governing body of the county shall
 175 submit the question of retention or dissolution of the district



176 to the electorate in the general election 12 years after the
177 initial authorization.

178 2. The governing body of the district may specify, and
179 submit to the governing body of the county no later than 9
180 months before the scheduled election, that the district is not
181 subsequently subject to reauthorization or may specify the
182 number of years for which a reauthorization under this paragraph
183 shall remain effective. If the governing body of the district
184 makes such specification and submission, the governing body of
185 the county shall include that information in the question
186 submitted to the electorate. If the governing body of the
187 district does not specify and submit such information, the
188 governing body of the county shall resubmit the question of
189 reauthorization to the electorate every 12 years after the year
190 prescribed in subparagraph 1. The governing body of the district
191 may recommend to the governing body of the county language for
192 the question submitted to the electorate.

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

195 4. Nothing in this paragraph precludes the governing body
196 of a district from requesting that the governing body of the
197 county submit the question of retention or dissolution of a
198 district with voter-approved taxing authority to the electorate
199 at a date earlier than the year prescribed in subparagraph 1. If
200 the governing body of the county accepts the request and submits



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201 the question to the electorate, the governing body satisfies the
202 requirement of that subparagraph.

203

204 If any district is dissolved pursuant to this subsection, each
205 county must first obligate itself to assume the debts,
206 liabilities, contracts, and outstanding obligations of the
207 district within the total millage available to the county
208 governing body for all county and municipal purposes as provided
209 for under s. 9, Art. VII of the State Constitution. Any district
210 may also be dissolved pursuant to part VII of chapter 189.

211 Section 6. Subsections (22) and (23) are added to section
212 409.996, Florida Statutes, to read:

213 409.996 Duties of the Department of Children and
214 Families.—The department shall contract for the delivery,
215 administration, or management of care for children in the child
216 protection and child welfare system. In doing so, the department
217 retains responsibility for the quality of contracted services
218 and programs and shall ensure that services are delivered in
219 accordance with applicable federal and state statutes and
220 regulations.

221 (22) The department shall develop, in collaboration with
222 the Florida Institute for Child Welfare, lead agencies, service
223 providers, current and former foster children placed in
224 residential group care, and other community stakeholders, a
225 statewide accountability system for residential group care



226 providers based on measureable quality standards.

227 (a) The accountability system shall:

228 1. Promote high quality in services and accommodations
229 that differentiates between shift and family-style models and
230 programs and services for children with specialized or
231 extraordinary needs, such as pregnant teens and children with
232 Department of Juvenile Justice involvement.

233 2. Include a quality measurement system with clearly
234 defined levels of quality, domains measured for each level of
235 quality, and criteria that providers must meet to achieve each
236 level of quality. Domains addressed by the quality measurement
237 system for residential group care providers may include, but are
238 not limited to, admissions, service planning, treatment
239 planning, living environment, and program and service
240 requirements. The system may also consider outcomes 6 months and
241 12 months after a child leaves the provider's care.

242 3. Consider the level of availability of trauma-informed
243 care, delivery of mental health and physical health services
244 where needed, engagement with the child's school, and
245 opportunities for children to be involved in extracurricular
246 activities.

247 (b) Each lead agency shall implement the accountability
248 system in its area. The lead agency shall create a quality
249 evaluation process using the quality measurement system in
250 paragraph (a), establish incentives for providers to improve



251 their quality level, and take appropriate action in response to
252 the results of the quality evaluations.

253 (c) The department shall submit a report to the Governor,
254 the President of the Senate, and the Speaker of the House of
255 Representatives by October 1 of each year, with the first report
256 due October 1, 2017. The report must, at a minimum, include an
257 update on the development of a statewide accountability system
258 for residential group care providers and a plan for department
259 oversight of the implementation of the statewide accountability
260 system for residential group care providers by the community-
261 based care lead agencies. After implementation of the statewide
262 accountability system, the report must also contain a list of
263 residential group care providers meeting minimum quality
264 standards and their quality ratings; the percentage of children
265 placed in residential group care with highly rated providers;
266 and any negative action taken against contracted providers that
267 have failed to meet minimum quality standards.

268 (d) The accountability system must be implemented by each
269 lead agency by July 1, 2022.

270 (e) Nothing in this subsection affects the department's
271 licensure authority under s. 409.175.

272 (f) The department may adopt rules to administer this
273 subsection.

274 (23) (a) The department, in collaboration with the Florida
275 Institute for Child Welfare, shall convene a workgroup on foster



276 | home quality. The workgroup, at a minimum, shall identify
277 | measures of foster home quality, review current efforts by lead
278 | agencies and subcontractors to enhance foster home quality,
279 | identify barriers to the greater availability of high-quality
280 | foster homes, and recommend additional strategies for assessing
281 | the quality of foster homes and increasing the availability of
282 | high-quality foster homes.

283 | (b) The workgroup shall include representatives from the
284 | department, the Florida Institute for Child Welfare, foster
285 | parents, current and former foster children, and foster parent
286 | organizations, lead agencies, child-placing agencies, other
287 | service providers, and other participants as determined by the
288 | department.

289 | (c) The Florida Institute for Child Welfare shall provide
290 | the workgroup with relevant research on, at a minimum, measures
291 | of quality of foster homes; evidence-supported strategies to
292 | increase the availability of high-quality foster homes, such as
293 | those regarding recruitment, screening, training, retention, and
294 | child placement; descriptions and results of quality improvement
295 | efforts in other jurisdictions; and the root causes of placement
296 | disruption.

297 | (d) The department shall submit a report to the Governor,
298 | the President of the Senate, and the Speaker of the House of
299 | Representatives by November 1, 2017. The report shall, at a
300 | minimum:



301 1. Describe the important dimensions of quality for foster
302 homes.

303 2. Describe the foster home quality enhancement efforts in
304 the state, including, but not limited to, recruitment,
305 retention, placement procedures, systems change, and quality
306 measurement programs, and any positive or negative results.

307 3. Identify barriers to the greater availability of high-
308 quality foster homes.

309 4. Discuss available research regarding high-quality
310 foster homes.

311 5. Present a plan for developing and implementing
312 strategies to increase the availability of high-quality foster
313 homes. The strategies shall address important elements of
314 quality, be based on available research, include both
315 qualitative and quantitative measures of quality, integrate with
316 the community-based care model, and be respectful of the privacy
317 and needs of foster parents. The plan shall recommend possible
318 instruments and measures and identify any changes to general law
319 or rule necessary for implementation.

320 Section 7. Paragraph (b) of subsection (7) of section
321 39.507, Florida Statutes, is amended to read:

322 39.507 Adjudicatory hearings; orders of adjudication.—

323 (7)

324 (b) However, the court must determine whether each parent
325 or legal custodian identified in the case abused, abandoned, or



326 | neglected the child or engaged in conduct that placed the child
327 | at substantial risk of imminent abuse, abandonment, or neglect
328 | ~~in a subsequent evidentiary hearing.~~ If a second parent is
329 | served and brought into the proceeding after the adjudication,
330 | and an ~~the~~ evidentiary hearing for the second parent is
331 | ~~conducted subsequent to the adjudication of the child,~~ the court
332 | shall supplement the adjudicatory order, disposition order, and
333 | the case plan, as necessary. The petitioner is not required to
334 | prove actual harm or actual abuse by the second parent in order
335 | for the court to make supplemental findings regarding the
336 | conduct of the second parent. The court is not required to
337 | conduct an evidentiary hearing for the second parent in order to
338 | supplement the adjudicatory order, the disposition order, and
339 | the case plan if the requirements of s. 39.506(3) or (5) are
340 | satisfied. With the exception of proceedings pursuant to s.
341 | 39.811, the child's dependency status may not be retried or
342 | readjudicated.

343 | Section 8. Paragraph (b) of subsection (1) of section
344 | 39.521, Florida Statutes, is amended to read:

345 | 39.521 Disposition hearings; powers of disposition.—

346 | (1) A disposition hearing shall be conducted by the court,
347 | if the court finds that the facts alleged in the petition for
348 | dependency were proven in the adjudicatory hearing, or if the
349 | parents or legal custodians have consented to the finding of
350 | dependency or admitted the allegations in the petition, have



351 failed to appear for the arraignment hearing after proper
352 notice, or have not been located despite a diligent search
353 having been conducted.

354 (b) When any child is adjudicated by a court to be
355 dependent, the court having jurisdiction of the child has the
356 power by order to:

357 1. Require the parent and, when appropriate, the legal
358 custodian and the child to participate in treatment and services
359 identified as necessary. The court may require the person who
360 has custody or who is requesting custody of the child to submit
361 to a mental health or substance abuse disorder assessment or
362 evaluation. The order may be made only upon good cause shown and
363 pursuant to notice and procedural requirements provided under
364 the Florida Rules of Juvenile Procedure. The mental health
365 assessment or evaluation must be administered by a qualified
366 professional as defined in s. 39.01, and the substance abuse
367 assessment or evaluation must be administered by a qualified
368 professional as defined in s. 397.311. The court may also
369 require such person to participate in and comply with treatment
370 and services identified as necessary, including, when
371 appropriate and available, participation in and compliance with
372 a mental health court program established under chapter 394 or a
373 treatment-based drug court program established under s. 397.334.
374 Adjudication of a child as dependent based upon evidence of harm
375 as defined in s. 39.01(30)(g) demonstrates good cause, and the



376 | court shall require the parent whose actions caused the harm to
377 | submit to a substance abuse disorder assessment or evaluation
378 | and to participate and comply with treatment and services
379 | identified in the assessment or evaluation as being necessary.
380 | In addition to supervision by the department, the court,
381 | including the mental health court program or the treatment-based
382 | drug court program, may oversee the progress and compliance with
383 | treatment by a person who has custody or is requesting custody
384 | of the child. The court may impose appropriate available
385 | sanctions for noncompliance upon a person who has custody or is
386 | requesting custody of the child or make a finding of
387 | noncompliance for consideration in determining whether an
388 | alternative placement of the child is in the child's best
389 | interests. Any order entered under this subparagraph may be made
390 | only upon good cause shown. This subparagraph does not authorize
391 | placement of a child with a person seeking custody of the child,
392 | other than the child's parent or legal custodian, who requires
393 | mental health or substance abuse disorder treatment.

394 | 2. Require, if the court deems necessary, the parties to
395 | participate in dependency mediation.

396 | 3. Require placement of the child either under the
397 | protective supervision of an authorized agent of the department
398 | in the home of one or both of the child's parents or in the home
399 | of a relative of the child or another adult approved by the
400 | court, or in the custody of the department. Protective



401 supervision continues until the court terminates it or until the
402 child reaches the age of 18, whichever date is first. Protective
403 supervision shall be terminated by the court whenever the court
404 determines that permanency has been achieved for the child,
405 whether with a parent, another relative, or a legal custodian,
406 and that protective supervision is no longer needed. The
407 termination of supervision may be with or without retaining
408 jurisdiction, at the court's discretion, and shall in either
409 case be considered a permanency option for the child. The order
410 terminating supervision by the department must set forth the
411 powers of the custodian of the child and include the powers
412 ordinarily granted to a guardian of the person of a minor unless
413 otherwise specified. Upon the court's termination of supervision
414 by the department, further judicial reviews are not required if
415 permanency has been established for the child.

416 Section 9. Paragraph (h) is added to subsection (1) of
417 section 39.701, Florida Statutes, to read:

418 39.701 Judicial review.—

419 (1) GENERAL PROVISIONS.—

420 (h) If a child is born into a family that is under the
421 court's jurisdiction or a child moves into a home that is under
422 the court's jurisdiction, the department shall assess the
423 child's safety and provide notice to the court.

424 1. The department shall complete an assessment to
425 determine how the addition of a child will impact family



426 functioning. The assessment must be completed at least 30 days
427 before a child is expected to be born or to move into a home, or
428 within 72 hours after the department learns of the pregnancy or
429 addition if the child is expected to be born or to move into the
430 home in less than 30 days. The assessment shall be filed with
431 the court.

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

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

437 4. The department shall adopt rules to implement this
438 subsection.

439 Section 10. Paragraph (1) of subsection (1) of section
440 39.806, Florida Statutes, is amended, and subsections (2) and
441 (3) are republished, to read:

442 39.806 Grounds for termination of parental rights.—

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

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



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

455 (3) If a petition for termination of parental rights is
456 filed under subsection (1), a separate petition for dependency
457 need not be filed and the department need not offer the parents
458 a case plan having a goal of reunification, but may instead file
459 with the court a case plan having a goal of termination of
460 parental rights to allow continuation of services until the
461 termination is granted or until further orders of the court are
462 issued.

463 Section 11. Subsection (6) of section 39.811, Florida
464 Statutes, is amended to read:

465 39.811 Powers of disposition; order of disposition.-

466 (6) The parental rights of one parent may be severed
467 without severing the parental rights of the other parent only
468 under the following circumstances:

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

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

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

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



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

479 | Section 12. This act shall take effect July 1, 2017.