

Tab 2	SB 256 by Baxley; (Identical to H 00535) Child Protection Teams				
407696—A	S	L	WD	CF, Rader	Delete L.58: 02/04 05:40 PM

Tab 3	SB 262 by Albritton; (Similar to H 00421) Child Welfare				
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Book, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Monday, February 4, 2019

TIME: 4:00—6:00 p.m.

PLACE: 301 Senate Building

MEMBERS: Senator Book, Chair; Senator Mayfield, Vice Chair; Senators Bean, Harrell, Rader, Torres, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Introduction of Agency Heads Department of Children and Families, Secretary Chad Poppell Department of Revenue, Executive Director		Presented
2	SB 256 Baxley (Identical H 535)	Child Protection Teams; Revising the definition of the term "officer, employee, or agent," as it applies to immunity from personal liability in certain actions, to include any member of a child protection team established by the Department of Health in certain circumstances, etc. CF 02/04/2019 Favorable JU RC	Favorable Yeas 6 Nays 1
3	SB 262 Albritton (Similar H 421)	Child Welfare; Providing for the name of a child's guardian ad litem or attorney ad litem to be entered on court orders in dependency proceedings; requiring cooperation between certain parties and the court to achieve permanency for a child as soon as possible; requiring the court during an adjudicatory hearing to advise parents in plain language of certain requirements to achieve reunification with their child, etc. CF 02/04/2019 Favorable JU RC	Favorable Yeas 7 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 256

INTRODUCER: Senator Baxley

SUBJECT: Child Protection Teams

DATE: February 1, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Delia	Hendon	CF	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 256 provides sovereign immunity protections of the state to members of a child protection team, when they are carrying out duties as a team member. Child protection teams (CPT) are medically directed, multidisciplinary teams that supplement the child protective investigation efforts of the Department of Children and Families (DCF or department) and local sheriffs' offices in cases of child abuse and neglect.

The bill has an indeterminate fiscal impact and has an effective date of July 1, 2019.

II. Present Situation:

Child Protection Teams

A child protection team is a medically directed, multidisciplinary team that supplements the child protective investigation efforts of the department and local sheriffs' offices in cases of child abuse and neglect.¹ They are independent, community-based programs that provide expertise in evaluating alleged child abuse and neglect, assessing risk and protective factors, and provide recommendations for interventions to protect children and to enhance a caregiver's capacity to provide a safer environment when possible.²

Child abuse, abandonment and neglect reports to the DCF central abuse hotline that must be referred to child protection teams include cases involving:

- Injuries to the head, bruises to the neck or head, burns, or fractures in a child of any age.
- Bruises anywhere on a child five years of age or younger.

¹ Florida Department of Health, Children's Medical Services. Child Protection Teams, available at http://www.floridahealth.gov/AlternateSites/CMS-Kids/families/child_protection_safety/child_protection_teams.html (last visited January 25, 2019).

² *Id.*

- Any report alleging sexual abuse of a child.
- Any sexually transmitted disease in a prepubescent child.
- Reported malnutrition or failure of a child to thrive.
- Reported medical neglect of a child.
- A sibling or other child remaining in a home where one or more children have been pronounced dead on arrival or have been injured and later died as a result of suspected abuse, abandonment or neglect.
- Symptoms of serious emotional problems in a child when emotional or other abuse, abandonment, or neglect is suspected.³

Once a referral from DCF or law enforcement has been accepted, the CPT may provide one or more of the following services:

- Medical diagnosis and evaluation,
- Nursing assessments,
- Child and family assessments,
- Multidisciplinary staffing,
- Psychological and psychiatric evaluations,
- Specialized and forensic interviews, or
- Expert court testimony.⁴

The Department of Health currently contracts with a variety of community-based organizations to provide CPT services statewide. Employees of the 22 CPTs are independent contractors and are not covered by section 768.28, F.S., which provides sovereign immunity in tort actions and limits financial recoveries. The teams are medically directed by one board certified pediatrician and in the case of a large geographical areas, some may have an associate medical director to ensure adequate coverage.⁵

Some CPTs employ individuals to provide services while others provide these services through subcontractors. The total number of all CPT members statewide is approximately 364; these 364 positions do not include CPT medical directors, who are all employees of the state and have liability protection when acting in the scope of their employment.⁶ Of the 364 positions, approximately 126 are employed by state universities or operated by county governments.⁷ Those CPT members employed by state universities or counties currently have sovereign immunity in their roles on CPTs. The CPT employees are employed as physicians, registered nurses (RN), advanced registered nurse practitioner (ARNP), physician assistants (PA), medical assistants, team coordinator or supervisor, case coordinator or other staff (administrative or data).⁸

³ Section 39.303, F.S.

⁴ *Supra* at Note 1.

⁵ *Id.*

⁶ Florida Department of Health, 2019 Agency Legislative Bill Analysis, SB 256. January 8, 2019. On file with the Senate Committee on Children, Families and Elder Affairs.

⁷ *Id.*

⁸ *Id.*

Sovereign Immunity

Sovereign immunity bars lawsuits against the state or its political subdivisions for the torts of officers, employees, or agents of such governments unless the immunity is expressly waived. Article X, Section 13, of the Florida Constitution recognizes the concept of sovereign immunity and gives the Legislature the power to waive such immunity in part or in full by general law. Section 768.28, F.S., contains the limited waiver of sovereign immunity applicable to the state. Under this statute, officers, employees, and agents of the state will not be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function.

Instead, the state steps in as the party litigant and defends against the claim. The recovery by any one person is limited to \$200,000 for one incident and the total for all recoveries related to one incident is limited to \$300,000.⁹ The sovereign immunity recovery caps do not prevent a plaintiff from obtaining a judgment in excess of the caps, but the plaintiff cannot recover the excess damages without action by the Legislature.¹⁰ However, personal liability may result from actions in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.¹¹

Whether sovereign immunity applies depends on the degree of control of the agent of the state retained by the state.¹² In *Stoll v. Noel*, the Florida Supreme Court held that independent contractor physicians may be agents of the state for purposes of sovereign immunity. The court examined the employment contract between the physicians and the state to determine whether the state's right to control was sufficient to create an agency relationship and held that it did.¹³

The *Stoll* court explained that whether the Children's Medical Services (CMS) physician consultants are agents of the state turns on the degree of control retained or exercised by CMS. The manuals and guides given to physician consultants demonstrated that CMS had final authority over all care and treatment provided to CMS patients, and that CMS could refuse to allow a physician consultant's recommended course of treatment of any CMS patient for either medical or budgetary reasons.¹⁴ Furthermore, the court's conclusion was supported by the state's acknowledgement that the manual creates an agency relationship between CMS and its physician consultants, and the state acknowledged full financial responsibility for the physicians' actions. The court stated that the state's interpretation of its manual is entitled to judicial deference and great weight.¹⁵

A memorandum from the Deputy State Health Officer for Children's Medical Services (CMS) to all CMS physicians stated:

⁹ Section 768.28(5), F.S.

¹⁰ *Id.*

¹¹ Section 768.28(9)(a), F.S.

¹² *Stoll v. Noel*, 694 So. 2d 701, 703 (Fla. 1997).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

In *Stoll v. Noel*, the Florida Supreme Court established the principal that in appropriate factual circumstances contract physician providers for CMS may be deemed agents of the state for purposes of liability protection under section 768.28, Florida Statutes.

Application of that principle, however, does not establish a bright line legal test to determine when a CMS contracted physician will be deemed to be an agent of the state as a matter of law.

The Department has stated that it cannot make any definitive statement of when contract physicians, individually or collectively, may be deemed an agent of the state for purposes of liability protection.¹⁶

III. Effect of Proposed Changes:

Section 1 amends s. 768.28(9)(b), F.S., adding “a member of a child protection team, as defined in s. 39.01, when carrying out his or her duties as a team member” to the definition of “officer, employee or agent.” This explicitly includes CPT members as falling under the sovereign immunity protections of the state.

Section 2 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹⁶ Florida Department of Health. Memorandum from Dennis Cookro, Interim Deputy Secretary for Health and Deputy State Health Officer for CMS to all CMS physicians. February 6, 2013. On file with the Senate Committee on Children, Families and Elder Affairs.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under SB 256, members of a CPT team that are under contract would be provided sovereign immunity, which may reduce the need for some healthcare professionals on the teams to purchase liability insurance.

C. Government Sector Impact:

The DOH estimates that the fiscal impact to the agency will include the increased cost of legal representation, potential settlement costs, and other associated fees for the CPT employees newly covered by sovereign immunity protections.¹⁷ The DOH states that the impact cannot be determined but could be significant.¹⁸ Because 126 of the 364 statewide CPT employees are already covered by sovereign immunity, the number of additional employees contributing to any potential fiscal impact is approximately 238.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 768.28 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁷ Florida Department of Health, 2019 Agency Legislative Bill Analysis, SB 256. January 8, 2019. On file with the Senate Committee on Children, Families and Elder Affairs.

¹⁸ *Id.*



407696

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/04/2019	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Rader) recommended the following:

Senate Amendment (with title amendment)

Delete line 58

and insert:

Section 2. Effective October 1, 2020, subsection (5) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—



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(5) The state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances, but liability shall not include punitive damages or interest for the period before judgment. Neither the state nor its agencies or subdivisions shall be liable to pay a claim or a judgment by any one person which exceeds the sum of \$300,000 ~~\$200,000~~ or any claim or judgment, or portions thereof, which, when totaled with all other claims or judgments paid by the state or its agencies or subdivisions arising out of the same incident or occurrence, exceeds the sum of \$500,000 ~~\$300,000~~. However, a judgment or judgments may be claimed and rendered in excess of these amounts and may be settled and paid pursuant to this act up to \$300,000 ~~\$200,000~~ or \$500,000 ~~\$300,000~~, as the case may be; and that portion of the judgment that exceeds these amounts may be reported to the Legislature, but may be paid in part or in whole only by further act of the Legislature. Notwithstanding the limited waiver of sovereign immunity provided herein, the state or an agency or subdivision thereof may agree, within the limits of insurance coverage provided, to settle a claim made or a judgment rendered against it without further action by the Legislature, but the state or agency or subdivision thereof shall not be deemed to have waived any defense of sovereign immunity or to have increased the limits of its liability as a result of its obtaining insurance coverage for tortious acts in excess of the \$300,000 ~~\$200,000~~ or \$500,000 ~~\$300,000~~ waiver provided above. The limitations of liability set forth in this subsection shall apply to the state and its agencies and subdivisions whether or not the state or its agencies or



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subdivisions possessed sovereign immunity before July 1, 1974.

Section 2. The amendments to subsection (5) of section 768.28, Florida Statutes, in this act apply to claims arising on or after October 1, 2020.

Section 3. Except as otherwise provided in this act, this act shall take effect July 1, 2019.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 8

and insert:

An act relating to sovereign immunity; amending s. 768.28, F.S.; revising the definition of the term "officer, employee, or agent," as it applies to immunity from personal liability in certain actions, to include any member of a child protection team established by the Department of Health in certain circumstances; modifying, as of a specified date, the limitations of liability for tort claims or judgments; providing applicability; providing effective dates.

By Senator Baxley

12-00534-19

2019256__

1 A bill to be entitled
 2 An act relating to child protection teams; amending s.
 3 768.28, F.S.; revising the definition of the term
 4 "officer, employee, or agent," as it applies to
 5 immunity from personal liability in certain actions,
 6 to include any member of a child protection team
 7 established by the Department of Health in certain
 8 circumstances; providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Paragraphs (a) and (b) of subsection (9) of
 13 section 768.28, Florida Statutes, are amended to read:
 14 768.28 Waiver of sovereign immunity in tort actions;
 15 recovery limits; limitation on attorney fees; statute of
 16 limitations; exclusions; indemnification; risk management
 17 programs.—
 18 (9) (a) An ~~No~~ officer, employee, or agent of the state or of
 19 any of its subdivisions may not ~~shall~~ be held personally liable
 20 in tort or named as a party defendant in any action for any
 21 injury or damage suffered as a result of any act, event, or
 22 omission of action in the scope of her or his employment or
 23 function, unless such officer, employee, or agent acted in bad
 24 faith or with malicious purpose or in a manner exhibiting wanton
 25 and willful disregard of human rights, safety, or property.
 26 However, such officer, employee, or agent shall be considered an
 27 adverse witness in a tort action for any injury or damage
 28 suffered as a result of any act, event, or omission of action in
 29 the scope of her or his employment or function. The exclusive

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

12-00534-19

2019256__

30 remedy for injury or damage suffered as a result of an act,
 31 event, or omission of an officer, employee, or agent of the
 32 state or any of its subdivisions or constitutional officers is
 33 ~~shall be~~ by action against the governmental entity, or the head
 34 of such entity in her or his official capacity, or the
 35 constitutional officer of which the officer, employee, or agent
 36 is an employee, unless such act or omission was committed in bad
 37 faith or with malicious purpose or in a manner exhibiting wanton
 38 and willful disregard of human rights, safety, or property. The
 39 state or its subdivisions are ~~shall~~ not be liable in tort for
 40 the acts or omissions of an officer, employee, or agent
 41 committed while acting outside the course and scope of her or
 42 his employment or committed in bad faith or with malicious
 43 purpose or in a manner exhibiting wanton and willful disregard
 44 of human rights, safety, or property.
 45 (b) As used in this subsection, the term:
 46 1. "Employee" includes any volunteer firefighter.
 47 2. "Officer, employee, or agent" includes, but is not
 48 limited to, any health care provider when providing services
 49 pursuant to s. 766.1115; any nonprofit independent college or
 50 university located and chartered in this state which owns or
 51 operates an accredited medical school, and its employees or
 52 agents, when providing patient services pursuant to paragraph
 53 (10)(f); ~~and~~ any public defender or her or his employee or
 54 agent, including, ~~among others,~~ an assistant public defender or
 55 ~~and~~ an investigator; and any member of a child protection team,
 56 as defined in s. 39.01, when carrying out her or his duties as a
 57 team member.
 58 Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/4/19

Meeting Date

SB 256

Bill Number (if applicable)

Topic Child Protection Team

Name Leslie Knoeger

Job Title Atty

Address 2925 PGA Blvd

Street

Palm Beach Gardens FL 33410

City

State

Zip

Phone 772-475-9634

Email LKnoeger@oldem
milstenich

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Justice Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

2/4/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

256

Bill Number (if applicable)

Topic

CHILD PROTECTION TEAMS

Amendment Barcode (if applicable)

Name

LOUIS ST. PETERY

Job Title

PEDIATRICIAN

Address

1132 LEE AVE.

Phone 850-294-4309

Street

TAUHANASSEE, FL

32303

Email LSTIPETERY@GMAIL.COM

City

State

Zip

Speaking:



For



Against



Information

Waive Speaking:



In Support



Against

(The Chair will read this information into the record.)

Representing

FLORIDA CHAPTER AAP

Appearing at request of Chair:



Yes



No

Lobbyist registered with Legislature:



Yes



No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-4-19

Meeting Date

256

Bill Number (if applicable)

Topic Child Protection Team Sovereign Immunity

Amendment Barcode (if applicable)

Name Randell Alexander MD

Job Title CPT Physician

Address 2358 Riverside Ave #406
Street

Phone (904) 655-9505

Jacksonville FL 32204
City State Zip

Email Ralexander@abase.net.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Chapter, American Academy of Pediatrics

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/4/19

Meeting Date

256

Bill Number (if applicable)

Topic Child Protection Teams

Amendment Barcode (if applicable)

Name Stephen R. Winn

Job Title Exec. Director

Address 2544 Blainstone Pines Dr.

Phone 850-878-3056

Street

Tallahassee

FL

32301

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Osteopathic Medical Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2/4/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Barley Bill

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Summer Pfeiffer

Job Title VP Govt Relations

Address 1801 Miccosukee Commons Dr

Street

Tall

Phone _____

City

State

Zip

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Children's Home Society

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 256
FINAL ACTION: Favorable
MEETING DATE: Monday, February 4, 2019
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 262

INTRODUCER: Senator Albritton

SUBJECT: Child Welfare

DATE: February 1, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Hendon	Hendon	CF	Favorable
2. _____	_____	JU	_____
3. _____	_____	RC	_____

I. Summary:

SB 262 aims to speed up the dependency process for abused children removed from their home to achieve permanency within one year. Permanency can be reunification with parents, placement with a permanent guardian, often a relative, or adoption. The bill makes changes such as requiring updated parent contact information, making referrals to services for parents within 7 days, requiring parents to notify the court of any barriers to completing their case plan, and to clearly inform parents that if they do not complete their case plan within one year, they may have their parental rights terminated.

The bill could have an insignificant fiscal impact on the state and has an effective date of October 1, 2019.

II. Present Situation:

A child protective investigation begins with a report by any person to the Florida Abuse Hotline. The state is required to maintain a 24/hour, 7/day capacity for receiving reports of maltreatments. The reports are sent out to child protective investigators (CPIs) across the state to investigate.¹

The CPI receiving the report is most commonly a DCF employee, but in six counties the local sheriff performs the investigative function. The DCF child protective services are delivered through 6 regional offices, using over 1,500 investigators and 300 supervisors.² The sheriff's offices employ 387 CPIs and 70 supervisors.

¹ Department of Children and Families website, see <http://www.myflfamilies.com/service-programs/abuse-hotline/frequently-asked-questions>, last visited January 28, 2019.

² Department of Children and Families website, see <https://www.dcf.state.fl.us/programs/childwelfare/docs/2016LMRs/CPI%20CPI%20Supv%20Workforce%20Report.pdf>, last visited January 28, 2019.

Court hearings are required whenever a child is removed from his or her home. The attorneys in these cases are either department employees or employees of the Attorney General's Office under contract to DCF or, in one case, a state attorney office.

The community-based care lead agencies and their subcontractors are the primary providers of services to children and families in the child welfare system. There are currently 19 lead agencies with contracts covering all 20 judicial circuits.³ The lead agencies and their subcontractors employ case managers and supervisors to oversee the provision of services to children and their parents in the child welfare system. A parent's case plan may order a variety of services to improve their capacity as a care-giver. Many of the services are not directly provided by the lead agencies or the case management subcontractors, but by substance abuse, mental health, and other specialized community based providers.

III. Effect of Proposed Changes:

Section 1 amends section 39.001, F.S., relating to the purposes and intent of chapter 39, the state's laws on dependency. Intent language is added to recognize the responsibility of the parents to comply with case plans in order to reunify with their children as soon as possible. The bill states that community-based care providers must assist parents to overcome any barriers to complying with their case plans. The bill intends that courts affirmatively determine barriers to parents and address such barriers to ensure timely compliance with the case plan.

The bill requires that the name of a child's guardian ad litem or attorney ad litem be entered into the court record. The bill restates current law that permanency for the child should occur within 1 year.

Section 2 amends s. 39.0136, F.S., regarding continuances in dependency cases, to state that all parties and the court must work to ensure the timely performance of their case plan. The bill further requires that parents have the contact information for their case manager. Case managers are either employees of the community-based care lead agency or a contracted provider. Such case managers experience a high turnover and such disruptions can extend the time in care for dependent children.

Section 3 amends s. 39.402, F.S., relating to placement of an abused child in a shelter. The bill clarifies that cases may not be continued more than 60 days, including continuances initiated by the court. The bill requires the court to advise the parents in plain language what is expected of them to achieve reunification, parents must complete their case plan within 1 year, parents must provide updated contact information to their attorney and case manager, and parents must notify the court of any barriers to completing the case plan.

Section 4 amends 39.507, F.S., regarding adjudicatory hearings to require that parents must complete their case plan within 1 year, parents must provide updated contact information to their attorney and case manager, and parents must notify the court of any barriers to completing the case plan.

³ Department of Children and Families website, see <http://www.myflfamilies.com/service-programs/community-based-care/cbc-map>, last visited January 28, 2019.

Section 5 amends s. 39.521, F.S., relating to disposition hearings to clarify that the department must provide copies of the case plan to all parties in the dependency case.

Section 6 amends s. 39.522, F.S. regarding postdisposition change of custody. The bill allows a motion to change the placement of a child at any time before a child achieves permanency.

Section 7 amends s. 39.6011, relating to case plans, to provide written notice to the parents that it is their responsibility to comply with the case plan within 1 year of removal or adjudication of the child. Parents are also to be advised that they must notify the parties and the court in writing of any barriers that would prevent them from completing their case plans. The bill requires the department to explain the provisions of the case plan to all persons involved and provide necessary contact information. Referrals for necessary services for parents must be made within 7 days after the case plan is approved.

Section 8 amends s. 39.6012, F.S., regarding case plan tasks, to require case plans to include strategies to overcome any barriers to completing the case plan. Parents must notify the parties and the court of any barriers that would prevent them from completing their case plans.

Section 9 amends s. 39.6013, F.S., relating to case plan amendments, to correct a cross reference.

Section 10 amends s. 39.621, F.S., regarding permanency, to require the court to hold permanency status hearings every 60 days for children who will need more than 1 year to achieve permanency.

Section 11 amends s. 39.806, F.S., relating to termination of parental rights, to clarify that parents who do not materially complete their case plan, by their action or inaction, can have their parental rights terminated.

Section 12 amends s. 39.811, F.S., regarding when a dependency case is disposed by a termination of parental rights, to require that the court shall enter a written order within 30 days after such disposition.

Section 13 provides an effective date of October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The changes in the bill may have an increase to the workload of the state courts system. The fiscal impact is not expected to be significant. If the bill results in children spending less time in dependency, then the state would realize a savings in the budget of the state court system and the department. No analysis from the state court system or the department was received to provide additional information on the fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.001, 39.0136, 39.402, 39.507, 39.521, 39.522, 39.6011, 39.6012, 39.6013, 39.621, 39.806, and 39.811.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Albritton

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1 A bill to be entitled
 2 An act relating to child welfare; amending s. 39.001,
 3 F.S.; expanding the purpose of ch. 39, F.S.; providing
 4 for the name of a child's guardian ad litem or
 5 attorney ad litem to be entered on court orders in
 6 dependency proceedings; amending s. 39.0136, F.S.;
 7 requiring cooperation between certain parties and the
 8 court to achieve permanency for a child as soon as
 9 possible; requiring the Department of Children and
 10 Families to ensure that parents have the information
 11 necessary to contact their case manager; requiring
 12 that a new case manager who is assigned to a case
 13 notify the parent and provide updated contact
 14 information; specifying that continuances and
 15 extensions of time by the court on its own motion may
 16 not exceed a certain period of time; amending s.
 17 39.402, F.S.; specifying that time limitations
 18 governing placement of a child in a shelter do not
 19 include continuances requested by the court; requiring
 20 the court to advise parents in plain language what is
 21 expected of them to achieve reunification with their
 22 child; expanding the requirements that parents must
 23 meet to achieve reunification with their child;
 24 amending s. 39.507, F.S.; requiring the court during
 25 an adjudicatory hearing to advise parents in plain
 26 language of certain requirements to achieve
 27 reunification with their child; expanding the
 28 requirements that parents must meet to achieve
 29 reunification with their child; amending s. 39.521,

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30 F.S.; requiring the department to serve copies of the
 31 case plan and the family functioning assessment on the
 32 parents of the child and provide copies of the plan
 33 and assessment to the other parties; amending s.
 34 39.522, F.S.; specifying that a postdisposition
 35 hearing, if needed, must occur before a child achieves
 36 a permanency placement; amending s. 39.6011, F.S.;
 37 requiring that the written notice in a case plan
 38 include certain responsibilities and actions required
 39 of the parents and inform the parent that a breach of
 40 the case plan by the parent's action or inaction may
 41 result in an earlier filing of a petition for
 42 termination of parental rights; requiring the
 43 department to ensure that the parent has certain
 44 contact information and to explain certain strategies
 45 included in the case plan; providing a timeframe for
 46 referrals for services; amending s. 39.6012, F.S.;
 47 expanding the tasks and services a case plan must
 48 describe; amending s. 39.6013, F.S.; conforming a
 49 cross-reference; amending s. 39.621, F.S.; requiring
 50 the court to hold permanency hearings within specified
 51 timeframes; requiring that the case plan be updated at
 52 a permanency hearing unless the child will achieve
 53 permanency within a specified timeframe; amending s.
 54 39.806, F.S.; specifying that grounds for termination
 55 of parental rights may be established when a case plan
 56 is materially breached by a parent or parents' action
 57 or inaction; amending s. 39.811, F.S.; requiring the
 58 court to enter a written order of disposition within a

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specified timeframe following termination of parental rights; providing an effective date.

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

Section 1. Subsection (7) of section 39.001, Florida Statutes, is amended, paragraph (q) is added to subsection (1) of that section, and paragraph (j) is added to subsection (3) of that section, to read:

39.001 Purposes and intent; personnel standards and screening.—

(1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

(q) To recognize the responsibility of:

1. The parent from whose custody a child has been taken to take action to comply with the case plan so reunification with the child may occur within the shortest period of time possible, but no later than 1 year after removal or adjudication of the child.

2. The department and its community-based care providers to make reasonable efforts to finalize a family's permanency plan, including assisting parents with developing strategies to overcome barriers to case plan compliance.

3. The court to affirmatively determine what the barriers are to timely reunification and address such barriers as frequently as needed to ensure compliance with the time limitations established in this chapter.

(3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of the Legislature that the children of this state be provided with the following protections:

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(j) The ability to contact their guardian ad litem or attorney ad litem, if appointed, by having that individual's name entered on all orders of the court.

(7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—

Parents, custodians, and guardians are deemed by the state to be responsible for providing their children with sufficient support, guidance, and supervision. The state further recognizes that the ability of parents, custodians, and guardians to fulfill those responsibilities can be greatly impaired by economic, social, behavioral, emotional, and related problems. It is therefore the policy of the Legislature that it is the state's responsibility to ensure that factors impeding the ability of caregivers to fulfill their responsibilities are identified through the dependency process and that appropriate recommendations and services to address those problems are considered in any judicial or nonjudicial proceeding. The Legislature also recognizes that time is of the essence for establishing permanency for a child in the dependency system. Therefore, parents must take action to comply with the case plan so reunification with the child may occur within the shortest period of time possible, but no later than 1 year after removal or adjudication of the child, including by notifying the parties and the court of barriers to case plan compliance.

Section 2. Section 39.0136, Florida Statutes, is amended to read:

39.0136 Time limitations; continuances.—

(1) The Legislature finds that time is of the essence for establishing permanency for a child in the dependency system. Time limitations are a right of the child which may not be

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waived, extended, or continued at the request of any party except as provided in this section.

(2) (a) All parties and the court must work together to ensure that permanency is achieved as soon as possible for every child through timely performance of their responsibilities under this chapter.

(b) The department shall ensure that parents have the information necessary to contact their case manager. When a new case manager is assigned to a case, the case manager must make a timely and diligent effort to notify the parent and provide updated contact information.

(3) (2) The time limitations in this chapter do not include:

(a) Periods of delay resulting from a continuance granted at the request of the child's counsel or the child's guardian ad litem or, if the child is of sufficient capacity to express reasonable consent, at the request or with the consent of the child. The court must consider the best interests of the child when determining periods of delay under this section.

(b) Periods of delay resulting from a continuance granted at the request of any party if the continuance is granted:

1. Because of an unavailability of evidence that is material to the case if the requesting party has exercised due diligence to obtain evidence and there are substantial grounds to believe that the evidence will be available within 30 days. However, if the requesting party is not prepared to proceed within 30 days, any other party may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions, which may include dismissal of the petition.

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2. To allow the requesting party additional time to prepare the case and additional time is justified because of an exceptional circumstance.

(c) Reasonable periods of delay necessary to accomplish notice of the hearing to the child's parent or legal custodian; however, the petitioner shall continue regular efforts to provide notice to the parents during the periods of delay.

(4) (3) Notwithstanding subsection (3) (2), in order to expedite permanency for a child, the total time allowed for continuances or extensions of time, including continuances or extensions by the court on its own motion, may not exceed 60 days within any 12-month period for proceedings conducted under this chapter. A continuance or extension of time may be granted only for extraordinary circumstances in which it is necessary to preserve the constitutional rights of a party or if substantial evidence exists to demonstrate that without granting a continuance or extension of time the child's best interests will be harmed.

(5) (4) Notwithstanding subsection (3) (2), a continuance or an extension of time is limited to the number of days absolutely necessary to complete a necessary task in order to preserve the rights of a party or the best interests of a child.

Section 3. Paragraph (f) of subsection (14) and subsections (15) and (18) of section 39.402, Florida Statutes, are amended to read:

39.402 Placement in a shelter.—

(14) The time limitations in this section do not include:

(f) Continuances or extensions of time may not total more than 60 days for all parties and the court on its own motion

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within any 12-month period during proceedings under this chapter. A continuance or extension beyond the 60 days may be granted only for extraordinary circumstances necessary to preserve the constitutional rights of a party or when substantial evidence demonstrates that the child's best interests will be affirmatively harmed without the granting of a continuance or extension of time.

(15) The department, at the conclusion of the shelter hearing, shall make available to parents or legal custodians seeking voluntary services, any referral information necessary for participation in such identified services to allow the parents or legal custodians to begin the services as soon as possible. The parents' or legal custodians' participation in the services ~~may~~ shall not be considered an admission or other acknowledgment of the allegations in the shelter petition.

(18) The court shall advise the parents in plain language what is expected of them to achieve reunification with their child, including that:

(a) Parents must take action to comply with the case plan so reunification with the child may occur within the shortest period of time possible, but no later than 1 year after removal or adjudication of the child.

(b) Parents must stay in contact with their attorney and their case manager and provide updated contact information if the parents' phone number, address, or e-mail address changes.

(c) Parents must notify the parties and the court of barriers to completing case plan tasks within a reasonable time after discovering such barriers.

(d) If the parents fail to substantially comply with the

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case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent.

Section 4. Paragraph (c) of subsection (7) of section 39.507, Florida Statutes, is amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—
(7)

(c) If a court adjudicates a child dependent and the child is in out-of-home care, the court shall inquire of the parent or parents whether the parents have relatives who might be considered as a placement for the child. The parent or parents shall provide the court and all parties with identification and location information for such relatives. The court shall advise the parents in plain language that:

1. Parents must take action to comply with the case plan so reunification with the child may occur within the shortest period of time possible, but no later than 1 year after removal or adjudication of the child.

2. Parents must stay in contact with their attorney and their case manager and provide updated contact information if the parents' phone number, address, or e-mail address changes.

3. Parents must notify the parties and the court of barriers to completing case plan tasks within a reasonable time after discovering such barriers.

4. If the parents fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent. ~~The parent or parents shall provide to the court and all parties identification and location information of the relatives.~~

Section 5. Paragraph (a) of subsection (1) of section

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39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

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

(a) A written case plan and a family functioning assessment prepared by an authorized agent of the department must be approved by the court. The department must file the case plan and the family functioning assessment with the court, serve copies ~~a copy of the case plan~~ on the parents of the child, and provide copies ~~a copy of the case plan to the representative of the guardian ad litem program, if the program has been appointed, and a copy~~ to all other parties:

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

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

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case plan.

Section 6. Subsection (1) of section 39.522, Florida Statutes, is amended to read:

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

(1) At any time before a child achieves the permanency placement approved at the permanency hearing, a child who has been placed in the child's own home under the protective supervision of an authorized agent of the department, in the home of a relative, in the home of a legal custodian, or in some other place may be brought before the court by the department or by any other interested person, upon the filing of a motion ~~petition~~ alleging a need for a change in the conditions of protective supervision or the placement. If the parents or other legal custodians deny the need for a change, the court shall hear all parties in person or by counsel, or both. Upon the admission of a need for a change or after such hearing, the court shall enter an order changing the placement, modifying the conditions of protective supervision, or continuing the conditions of protective supervision as ordered. The standard for changing custody of the child shall be the best interest of the child. When applying this standard, the court shall consider the continuity of the child's placement in the same out-of-home residence as a factor when determining the best interests of the child. If the child is not placed in foster care, then the new placement for the child must meet the home study criteria and court approval pursuant to this chapter.

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291 Section 7. Present subsections (4) through (8) of section
292 39.6011, Florida Statutes, are redesignated as subsections (5)
293 through (9), respectively, paragraph (e) of subsection (2) and
294 present subsection (6) of that section are amended, and a new
295 subsection (4) is added to that section, to read:

296 39.6011 Case plan development.—

297 (2) The case plan must be written simply and clearly in
298 English and, if English is not the principal language of the
299 child's parent, to the extent possible in the parent's principal
300 language. Each case plan must contain:

301 (e) A written notice to the parent that it is the parent's
302 responsibility to take action to comply with the case plan so
303 reunification with the child may occur within the shortest
304 period of time possible, but no later than 1 year after removal
305 or adjudication of the child; the parent must notify the parties
306 and the court in writing of barriers to completing case plan
307 tasks within a reasonable time after discovering such barriers
308 if the parties are not actively working to overcome them;
309 failure of the parent to substantially comply with the case plan
310 may result in the termination of parental rights; and that a
311 material breach of the case plan by the parent's action or
312 inaction may result in the filing of a petition for termination
313 of parental rights sooner than the compliance period set forth
314 in the case plan.

315 (4) Before signing the case plan, the department shall
316 explain the provisions of the plan to all persons involved in
317 its implementation, including, when appropriate, the child. The
318 department shall ensure that the parent has contact information
319 for all entities necessary to complete the tasks in the plan.

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320 The department shall explain the strategies included in the plan
321 which the parent can use to overcome barriers to case plan
322 compliance and shall explain that if a barrier is discovered and
323 the parties are not actively working to overcome such barrier,
324 the parent must notify the parties and the court in writing
325 within a reasonable time after discovering such barrier.

326 (7)(6) After the case plan has been developed, the
327 department shall adhere to the following procedural
328 requirements:

329 (a) If the parent's substantial compliance with the case
330 plan requires the department to provide services to the parents
331 or the child and the parents agree to begin compliance with the
332 case plan before the case plan's acceptance by the court, the
333 department shall make the appropriate referrals for services
334 that will allow the parents to begin the agreed-upon tasks and
335 services immediately.

336 (b) All other referrals for services must be completed as
337 soon as possible, but no later than 7 days after the date of the
338 case plan approval, unless the case plan specifies that a task
339 may not be undertaken until another specified task has been
340 completed or otherwise approved by the court.

341 (c)(b) After the case plan has been agreed upon and signed
342 by the parties, a copy of the plan must be given immediately to
343 the parties, including the child if appropriate, and to other
344 persons as directed by the court.

345 1. A case plan must be prepared, but need not be submitted
346 to the court, for a child who will be in care no longer than 30
347 days unless that child is placed in out-of-home care a second
348 time within a 12-month period.

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2. In each case in which a child has been placed in out-of-home care, a case plan must be prepared within 60 days after the department removes the child from the home and shall be submitted to the court before the disposition hearing for the court to review and approve.

3. After jurisdiction attaches, all case plans must be filed with the court, and a copy provided to all the parties whose whereabouts are known, not less than 3 business days before the disposition hearing. The department shall file with the court, and provide copies to the parties, all case plans prepared before jurisdiction of the court attached.

Section 8. Paragraph (b) of subsection (1) of section 39.6012, Florida Statutes, is amended to read:

39.6012 Case plan tasks; services.—

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

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

1. The type of services or treatment.

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

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

4. The frequency of services or treatment provided. The frequency of the delivery of services or treatment provided shall be determined by the professionals providing the services or treatment on a case-by-case basis and adjusted according to

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their best professional judgment.

5. The location of the delivery of the services.

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

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

8. Strategies to overcome barriers to case plan compliance and an explanation that the parent must notify the parties and the court in writing within a reasonable time after discovering a barrier that the parties are not actively working to overcome such barrier.

Section 9. Subsection (8) of section 39.6013, Florida Statutes, is amended to read:

39.6013 Case plan amendments.—

(8) Amendments must include service interventions that are the least intrusive into the life of the parent and child, must focus on clearly defined objectives, and must provide the most efficient path to quick reunification or permanent placement given the circumstances of the case and the child's need for safe and proper care. A copy of the amended plan must be immediately given to the persons identified in s. 39.6011(7)(c) ~~s. 39.6011(6)(b)~~.

Section 10. Present subsections (7) through (10) of section 39.621, Florida Statutes, are redesignated as subsections (8) through (11), respectively, present subsections (9), (10), and (11) of that section are amended, and a new subsection (7) is added to that section, to read:

39.621 Permanency determination by the court.—

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(7) If the court determines that the child's goal is appropriate but the child will be in out-of-home care for more than 12 months before achieving permanency, in those cases where the goal is reunification or adoption, the court must hold permanency status hearings for the child every 60 days until the child reaches the specified permanency goal or the court determines it is in the child's best interest to change the permanency goal.

~~(10)(9)~~ The case plan must list the tasks necessary to finalize the permanency placement and shall be updated at the permanency hearing unless the child will achieve permanency within 60 days after the hearing if necessary. If a concurrent case plan is in place, the court may choose between the permanency goal options presented and shall approve the goal that is in the child's best interest.

~~(11)(10)~~ The permanency placement is intended to continue until the child reaches the age of majority and may not be disturbed absent a finding by the court that the circumstances of the permanency placement are no longer in the best interest of the child.

(a) If, after a child has achieved the permanency placement approved at the permanency hearing, a parent who has not had his or her parental rights terminated makes a motion for reunification or increased contact with the child, the court shall hold a hearing to determine whether the dependency case should be reopened and whether there should be a modification of the order.

(b) At the hearing, the parent must demonstrate that the safety, well-being, and physical, mental, and emotional health

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of the child is not endangered by the modification.

~~(c)(11)~~ The court shall base its decision concerning any motion by a parent for reunification or increased contact with a child on the effect of the decision on the safety, well-being, and physical and emotional health of the child. Factors that must be considered and addressed in the findings of fact of the order on the motion must include:

1. ~~(a)~~ The compliance or noncompliance of the parent with the case plan;

2. ~~(b)~~ The circumstances which caused the child's dependency and whether those circumstances have been resolved;

3. ~~(c)~~ The stability and longevity of the child's placement;

4. ~~(d)~~ The preferences of the child, if the child is of sufficient age and understanding to express a preference;

5. ~~(e)~~ The recommendation of the current custodian; and

6. ~~(f)~~ The recommendation of the guardian ad litem, if one has been appointed.

Section 11. Paragraph (e) of subsection (1) of section 39.806, Florida Statutes, is amended to read:

39.806 Grounds for termination of parental rights.—

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

(e) When a child has been adjudicated dependent, a case plan has been filed with the court, and:

1. The child continues to be abused, neglected, or abandoned by the parent or parents. The failure of the parent or parents to substantially comply with the case plan for a period of 12 months after an adjudication of the child as a dependent child or the child's placement into shelter care, whichever

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 occurs first, constitutes evidence of continuing abuse, neglect,
 or abandonment unless the failure to substantially comply with
 the case plan was due to the parent's lack of financial
 resources or to the failure of the department to make reasonable
 efforts to reunify the parent and child. The 12-month period
 begins to run only after the child's placement into shelter care
 or the entry of a disposition order placing the custody of the
 child with the department or a person other than the parent and
 the court's approval of a case plan having the goal of
 reunification with the parent, whichever occurs first; or

2. The parent or parents have materially breached the case
 plan by their action or inaction. Time is of the essence for
 permanency of children in the dependency system. In order to
 prove the parent or parents have materially breached the case
 plan, the court must find by clear and convincing evidence that
 the parent or parents are unlikely or unable to substantially
 comply with the case plan before time to comply with the case
 plan expires.

3. The child has been in care for any 12 of the last 22
 months and the parents have not substantially complied with the
 case plan so as to permit reunification under s. 39.522(2)
 unless the failure to substantially comply with the case plan
 was due to the parent's lack of financial resources or to the
 failure of the department to make reasonable efforts to reunify
 the parent and child.

Section 12. Subsection (5) of section 39.811, Florida
 Statutes, is amended to read:

39.811 Powers of disposition; order of disposition.—

(5) If the court terminates parental rights, the court

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 shall enter a written order of disposition within 30 days after
conclusion of the hearing briefly stating the facts upon which
 its decision to terminate the parental rights is made. An order
 of termination of parental rights, whether based on parental
 consent or after notice served as prescribed in this part,
 permanently deprives the parents of any right to the child.

Section 13. This act shall take effect October 1, 2019.

3

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/4/19

Meeting Date

262

Bill Number (if applicable)

Topic Child Welfare

Amendment Barcode (if applicable)

Name Alan Abramowitz

Job Title Executive Director

Address 600 South Calhoun Street

Phone 850.241.3232

Street

Tallahassee

Florida

32399

Email alan.abramowitz@gal.fl.gov

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Statewide Guardian ad Litem Program

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 262
FINAL ACTION: Favorable
MEETING DATE: Monday, February 4, 2019
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

CourtSmart Tag Report

Room: SB 301
Caption: Senate Committee on Children, Families, and Elder Affairs

Type:
Judge:

Started: 2/4/2019 3:59:58 PM
Ends: 2/4/2019 5:14:24 PM **Length:** 01:14:27

3:59:57 PM	Meeting called to order
4:00:07 PM	Roll Call
4:00:13 PM	Quorum is present
4:00:29 PM	Tab 3 - SB 262- Senator Albritton, Child Welfare
4:05:24 PM	Chair - Questions?
4:06:23 PM	Senator Harrell
4:06:42 PM	Senator Albritton
4:07:58 PM	Senator Harrell
4:08:31 PM	Senator Albritton
4:08:44 PM	Chair - Questions?
4:09:25 PM	Senator Torres
4:09:39 PM	Senator Albritton
4:11:24 PM	Chair
4:12:36 PM	Alan Abramowitz, Executive Director, Statewide Guardian ad Litem Program, waives in support
4:12:40 PM	Debate?
4:12:44 PM	Senator Harrell
4:13:38 PM	Senator Wright
4:14:08 PM	Senator Rader
4:16:23 PM	Chair
4:16:28 PM	Senator Torres
4:17:39 PM	Senator Albritton to close SB 262
4:18:36 PM	Roll Call - SB 262 favorable
4:19:36 PM	Tab 1 - Chad Poppell, Secretary of the Dept. of Children and Families
4:23:11 PM	Chair - Questions?
4:23:36 PM	Chair Book, question
4:24:13 PM	Secretary Poppell
4:26:04 PM	Chair
4:26:29 PM	Tab 2 - SB 256 - Senator Baxley - Child Protection Teams
4:27:36 PM	Chair - Questions?
4:28:11 PM	Late filed Amendment 407696 - by Senator Radar
4:29:21 PM	Questions on late file amendment
4:29:31 PM	Senator Radar to explain amendment
4:29:44 PM	Senator Harrell
4:30:07 PM	Senator Radar
4:30:14 PM	Senator Harrell
4:30:23 PM	Senator Radar
4:30:41 PM	Chair - questions? None
4:30:54 PM	Senator Bean
4:31:02 PM	Senator Baxley
4:31:52 PM	Debate?
4:32:17 PM	Senator Mayfield
4:32:41 PM	Senator Harrell
4:33:24 PM	Senator Torres
4:35:02 PM	Senator Radar to close on late filed amendment. Request to withdraw amendment
4:39:10 PM	Chair
4:39:16 PM	Louis St. Petrery, Pediatrician, Florida Chapter AAP
4:40:41 PM	Randell Alexander, MD, Florida Chapter, American Academy of Pediatricians
4:43:47 PM	Senator Torres
4:44:49 PM	Dr. Alexander
4:45:36 PM	Senator Torres
4:46:30 PM	Senator Radar
4:46:44 PM	Dr. Alexander

4:47:41 PM	Senator Radar
4:47:47 PM	Dr. Alexander
4:47:49 PM	Senator Radar
4:47:55 PM	Dr. Alexander
4:47:58 PM	Chair Book
4:48:28 PM	Dr. Alexander
4:49:33 PM	Senator Torres
4:50:34 PM	Dr. Alexander
4:51:18 PM	Senator Radar
4:51:27 PM	Dr. Alexander
4:52:42 PM	Senator Radar
4:52:47 PM	Senator Radar
4:52:52 PM	Dr. Alexander
4:53:19 PM	Chair
4:54:10 PM	Stephen Winn, Florida Osteopathic Medical Association, waives in support
4:54:20 PM	Summer Pfeiffer, Children's Home Society, waives in support
4:54:29 PM	Leslie Krueger, Atty. Florida Justice Association
4:56:49 PM	Debate?
4:56:52 PM	Senator Torres
4:58:37 PM	Senator Harrell
4:58:37 PM	Chair - Debate?
4:58:42 PM	Senator Torres
4:59:29 PM	Chair
4:59:39 PM	Senator Baxley to close on SB 256
5:03:05 PM	Roll Call SB 256 - favorable
5:03:33 PM	Tab 1 - Jim Zingale, Executive Director, Department of Revenue
5:10:43 PM	Senator Harrell
5:12:23 PM	Chair
5:13:29 PM	Jim Zingale
5:13:59 PM	Questions? None.
5:14:05 PM	Senator Mayfield moves to adjourn
5:14:16 PM	Is there objection? No objection. We are adjourned.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/4/14
Meeting Date

Bill Number (if applicable)

Topic ELDERS & COMMUNITIES

Amendment Barcode (if applicable)

Name JACK McRAY

Job Title _____

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Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AARP

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.