

Bill No. HB 1019, 2nd Eng.

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.

Senator Rossin moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. This act may be cited as the "Marriage Preparation and Preservation Act of 1998."

Section 2. It is the finding of the Legislature based on reliable research that:

(1) The divorce rate has been accelerating.

(2) Just as the family is the foundation of society, the marital relationship is the foundation of the family. Consequently, strengthening marriages can only lead to stronger families, children, and communities, as well as a stronger economy.

(3) An inability to cope with stress from both internal and external sources leads to significantly higher incidents of domestic violence, child abuse, absenteeism, medical costs, learning and social deficiencies, and divorce.

(4) Relationship skills can be learned.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (5) Once learned, relationship skills can facilitate
2 communication between parties to a marriage and assist couples
3 in avoiding conflict.

4 (6) Once relationship skills are learned, they are
5 generalized to parenting, the workplace, schools,
6 neighborhoods, and civic relationships.

7 (7) By reducing conflict and increasing communication,
8 stressors can be diminished and coping can be furthered.

9 (8) When effective coping exists, domestic violence,
10 child abuse, divorce and its effect on children such as
11 absenteeism, medical costs, and learning and social
12 deficiencies, are diminished.

13 (9) The state has a compelling interest in educating
14 its citizens with regard to marriage and, if contemplated, the
15 effects of divorce.

16 Section 3. Paragraph (i) of subsection (1) of section
17 232.246, Florida Statutes, is amended to read:

18 232.246 General requirements for high school
19 graduation.--

20 (1) Graduation requires successful completion of
21 either a minimum of 24 academic credits in grades 9 through 12
22 or an International Baccalaureate curriculum. The 24 credits
23 shall be distributed as follows:

24 (i) One-half credit in life management skills to
25 include consumer education, positive emotional development,
26 marriage and relationship skill-based education, nutrition,
27 prevention of human immunodeficiency virus infection and
28 acquired immune deficiency syndrome and other sexually
29 transmissible diseases, benefits of sexual abstinence and
30 consequences of teenage pregnancy, information and instruction
31 on breast cancer detection and breast self-examination,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 cardiopulmonary resuscitation, drug education, and the hazards
2 of smoking. Such credit shall be given for a course to be
3 taken by all students in either the 9th or 10th grade.

4
5 School boards may award a maximum of one-half credit in social
6 studies and one-half elective credit for student completion of
7 nonpaid voluntary community or school service work. Students
8 choosing this option must complete a minimum of 75 hours of
9 service in order to earn the one-half credit in either
10 category of instruction. Credit may not be earned for service
11 provided as a result of court action. School boards that
12 approve the award of credit for student volunteer service
13 shall develop guidelines regarding the award of the credit,
14 and school principals are responsible for approving specific
15 volunteer activities. A course designated in the Course Code
16 Directory as grade 9 through grade 12 which is taken below the
17 9th grade may be used to satisfy high school graduation
18 requirements or Florida Academic Scholar's Certificate Program
19 requirements as specified in a district's pupil progression
20 plan.

21 Section 4. Subsection (5) is added to section 741.01,
22 Florida Statutes, to read:

23 741.01 County court judge or clerk of the circuit
24 court to issue marriage license; fee.--

25 (5) The fee charged for each marriage license issued
26 in the state shall be reduced by a sum of \$32.50 for all
27 couples who present valid certificates of completion of a
28 premarital preparation course from a qualified course provider
29 registered under s. 741.0305(5) for a course taken no more
30 than 1 year prior to the date of application for a marriage
31 license. For each license issued that is subject to the fee

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 reduction of this subsection, the clerk is not required to
2 transfer the sum of \$7.50 to the State Treasury for deposit in
3 the Displaced Homemaker Trust Fund pursuant to subsection (3)
4 or to transfer the sum of \$25 to the Supreme Court for deposit
5 in the Family Courts Trust Fund.

6 Section 5. Section 741.0305, Florida Statutes, is
7 created to read:

8 741.0305 Marriage fee reduction for completion of
9 premarital preparation course.--

10 (1) A man and a woman who intend to apply for a
11 marriage license under s. 741.04 may, together or separately,
12 complete a premarital preparation course of not less than 4
13 hours. All individuals shall verify completion of the course
14 by filing with the application a valid certificate of
15 completion from the course provider for each applicant which
16 certificate shall specify whether the course was completed by
17 personal instruction, videotape instruction, instruction via
18 other electronic medium, or a combination of those methods.
19 All individuals who complete a premarital preparation course
20 pursuant to this section must be issued a certificate of
21 completion at the conclusion of the course by their course
22 provider. Upon furnishing such certificate when applying for a
23 marriage license, the individuals shall have their marriage
24 license fee reduced by \$32.50.

25 (2) The premarital preparation course must include
26 instruction regarding:

27 (a) Conflict management.

28 (b) Communication skills.

29 (c) Financial responsibilities.

30 (d) Children and parenting responsibilities.

31 (e) Data compiled from available information relating

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 to problems reported by married couples who seek marital or
2 individual counseling.

3 (3)(a) All individuals electing to participate in a
4 premarital preparation course shall choose from the following
5 list of qualified instructors:

6 1. A psychologist licensed under chapter 490.

7 2. A clinical social worker licensed under chapter
8 491.

9 3. A marriage and family therapist licensed under
10 chapter 491.

11 4. A mental health counselor licensed under chapter
12 491.

13 5. An official representative of a religious
14 institution which is recognized under s. 496.404(20) if the
15 representative has relevant training.

16 6. Any other provider designated by a judicial
17 circuit, including, but not limited to, school counselors who
18 are certified to offer such courses. Each judicial circuit may
19 establish a roster of area course providers, including those
20 who offer the course on a sliding fee scale or for free.

21 (b) The costs of such premarital preparation course
22 shall be paid by the applicant.

23 (4) Each premarital preparation course provider shall
24 furnish each participant who completes the course with a
25 certificate of completion specifying the name of the
26 participant and the date of completion and whether the course
27 was conducted by personal instruction, videotape instruction,
28 or instruction via other electronic medium, or by a
29 combination of these methods.

30 (5) All area course providers shall register with the
31 clerk of the circuit court by filing an affidavit in writing

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 attesting to the provider's compliance with the premarital
2 preparation course requirements as set forth in this section
3 and including the course instructor's name and qualifications,
4 including the license number, if any, or, if an official
5 representative of a religious institution, a statement as to
6 relevant training. The affidavit shall also include the
7 addresses where the provider may be contacted.

8 Section 6. (1) Premarital preparation courses offered
9 and completed by individuals across the state shall be
10 reviewed by researchers from the Florida State University
11 Center for Marriage and Family in order to determine the
12 efficacy of such premarital preparation courses.

13 (2) Premarital preparation pilot programs may be
14 created by the Florida State University Center for Marriage
15 and Family which will be administered by course providers or
16 by qualified instructors as provided in section 741.0305(3),
17 Florida Statutes. These pilot programs shall offer a
18 premarital preparation course based on statistical information
19 and data obtained by researchers from the Florida State
20 University Center for Marriage and Family.

21 (3) The Florida State University Center for Marriage
22 and Family shall develop a questionnaire and create a
23 curriculum based on data collected by its researchers. Any
24 curriculum developed by The Florida State University Center
25 for Marriage and Family researchers, shall be the sole
26 property of the Center.

27 Section 7. Section 741.0306, Florida Statutes, is
28 created to read:

29 741.0306 Creation of a family law handbook.--

30 (1) Based upon their willingness to undertake this
31 project, there shall be created by the Family Law Section of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 The Florida Bar a handbook explaining those sections of
2 Florida law pertaining to the rights and responsibilities
3 under Florida law of marital partners to each other and to
4 their children both during a marriage and upon dissolution.
5 The material in the handbook or other suitable electronic
6 media shall be reviewed for accuracy by the Family Court
7 Steering Committee of the Florida Supreme Court prior to
8 publication and distribution.

9 (2) Such handbooks shall be available from the clerk
10 of the circuit court upon application for a marriage license.
11 The clerks may also make the information in the handbook
12 available on videotape or other electronic media and are
13 encouraged to provide a list of course providers and sites at
14 which marriage and relationship skill building classes are
15 available.

16 (3) The information contained in the handbook or other
17 electronic media presentation may be reviewed and updated
18 annually, and may include, but not be limited to:

19 (a) Pre-nuptial agreements; as a contract and as an
20 opportunity to structure financial arrangements and other
21 aspects of the marital relationship;

22 (b) Shared parental responsibility for children; the
23 determination of primary residence or custody and secondary
24 residence or routine visitation, holiday, summer and vacation
25 visitation arrangements, telephone access, and the process for
26 notice for changes;

27 (c) Permanent relocation restrictions on parents with
28 primary residential responsibility;

29 (d) Child support for minor children; both parents are
30 obligated for support in accordance with applicable child
31 support guidelines;

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (e) Property rights, including equitable distribution,
2 special equity, pre-marital property, and non-marital
3 property;

4 (f) Alimony, including temporary, permanent
5 rehabilitative, and lump sum;

6 (g) Domestic violence and child abuse and neglect,
7 including penalties and other ramifications of false
8 reporting;

9 (h) Court process for dissolution with or without
10 legal assistance, including who may attend, the recording of
11 proceedings, how to access those records, and the cost of such
12 access;

13 (i) Parent education course requirements for divorcing
14 parents with children;

15 (j) Community resources that are available for
16 separating or divorcing persons and their children; and

17 (k) Women's rights specified in the Battered Women's
18 Bill of Rights.

19 (4) The material contained in such a handbook may also
20 be provided through video tape or other suitable electronic
21 media. The information contained in the handbook or other
22 electronic media presentation shall be reviewed and updated
23 annually.

24 Section 8. Section 741.04, Florida Statutes, is
25 amended to read:

26 741.04 Marriage license issued.--

27 (1) No county court judge or clerk of the circuit
28 court in this state shall issue a license for the marriage of
29 any person unless there shall be first presented and filed
30 with him or her an affidavit in writing, signed by both
31 parties to the marriage, providing the social security numbers

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 of each party, made and subscribed before some person
2 authorized by law to administer an oath, reciting the true and
3 correct ages of such parties; unless both such parties shall
4 be over the age of 18 years, except as provided in s.
5 741.0405; and unless one party is a male and the other party
6 is a female. Pursuant to the federal Personal Responsibility
7 and Work Opportunity Reconciliation Act of 1996, each party is
8 required to provide his or her social security number in
9 accordance with this section. Disclosure of social security
10 numbers obtained through this requirement shall be limited to
11 the purpose of administration of the Title IV-D program for
12 child support enforcement.

13 (2) No county court judge or clerk of the circuit
14 court in this state shall issue a license for the marriage of
15 any person unless there shall be first presented and filed
16 with him or her:

17 (a) A statement in writing, signed by both parties
18 which specifies whether the parties, separately or together,
19 have completed a premarital preparation course.

20 (b) A statement that verifies that both parties have
21 obtained and read or otherwise accessed the information
22 contained in the handbook or other electronic media
23 presentation of the rights and responsibilities of parties to
24 a marriage specified in s. 741.0306.

25 (3) If a couple has not submitted to the clerk valid
26 certificates of completion of a premarital preparation course,
27 the couple will be required to wait 3 days before they may
28 obtain a marriage license. If a couple has submitted valid
29 certificates of completion of a premarital preparation course,
30 they will not be required to wait 3 days before issuance of a
31 marriage license. A county court judge issuing a marriage

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 license may waive the 3-day waiting period for good cause.

2 Section 9. When applying for a marriage license, an
3 applicant may complete and file with the clerk of the circuit
4 court an unsigned anonymous informational questionnaire which
5 shall be provided by the clerk. The clerk shall, for purposes
6 of anonymity, keep all such questionnaires in a separate file
7 for later distribution by the clerk to researchers from The
8 Florida State University Center for Marriage and Family. These
9 questionnaires must be made available to researchers from the
10 center at their request. Researchers from the center shall
11 develop the questionnaire and distribute them to the clerk of
12 the circuit court in each county.

13 Section 10. Section 741.05, Florida Statutes, is
14 amended to read:

15 741.05 Penalty for violation of ss. 741.03,
16 741.04(1).--Any county court judge, clerk of the circuit
17 court, or other person who shall violate any provision of ss.
18 741.03 and 741.04(1) shall be guilty of a misdemeanor of the
19 first degree, punishable as provided in s. 775.082 or s.
20 775.083.

21 Section 11. Section 61.043, Florida Statutes, is
22 amended to read:

23 61.043 Commencement of a proceeding for dissolution of
24 marriage or for alimony and child support.--

25 (1) A proceeding for dissolution of marriage or a
26 proceeding under s. 61.09 shall be commenced by filing in the
27 circuit court a petition entitled "In re the marriage of ,
28 husband, and , wife." A copy of the petition together
29 with a copy of a summons shall be served upon the other party
30 to the marriage in the same manner as service of papers in
31 civil actions generally.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (2) Upon filing for dissolution of marriage, the
2 petitioner must complete and file with the clerk of the
3 circuit court an unsigned anonymous informational
4 questionnaire. For purposes of anonymity, completed
5 questionnaires must be kept in a separate file for later
6 distribution by the clerk to researchers from The Florida
7 State University Center for Marriage and Family. These
8 questionnaires must be made available to researchers from The
9 Florida State University Center for Marriage and Family at
10 their request. The actual questionnaire shall be formulated by
11 researchers from Florida State University who shall distribute
12 them to the clerk of the circuit court in each county.

13 Section 12. Subsection (2) of section 61.052, Florida
14 Statutes, is amended to read:

15 61.052 Dissolution of marriage.--

16 (2) Based on the evidence at the hearing, which
17 evidence need not be corroborated except to establish that the
18 residence requirements of s. 61.021 are met which may be
19 corroborated by a valid Florida driver's license, a Florida
20 voter's registration card, a valid Florida identification card
21 issued under ss. 322.051, or the testimony or affidavit of a
22 third party, the court shall dispose of the petition for
23 dissolution of marriage when the petition is based on the
24 allegation that the marriage is irretrievably broken as
25 follows:

26 (a) If there is no minor child of the marriage and if
27 the responding party does not, by answer to the petition for
28 dissolution, deny that the marriage is irretrievably broken,
29 the court shall enter a judgment of dissolution of the
30 marriage if the court finds that the marriage is irretrievably
31 broken.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (b) When there is a minor child of the marriage, or
 2 when the responding party denies by answer to the petition for
 3 dissolution that the marriage is irretrievably broken, the
 4 court may:

5 1. Order either or both parties to consult with a
 6 marriage counselor, psychologist, psychiatrist, minister,
 7 priest, rabbi, or any other person deemed qualified by the
 8 court and acceptable to the party or parties ordered to seek
 9 consultation; or

10 2. Continue the proceedings for a reasonable length of
 11 time not to exceed 3 months, to enable the parties themselves
 12 to effect a reconciliation; or

13 3. Take such other action as may be in the best
 14 interest of the parties and the minor child of the marriage.

15
 16 If, at any time, the court finds that the marriage is
 17 irretrievably broken, the court shall enter a judgment of
 18 dissolution of the marriage. If the court finds that the
 19 marriage is not irretrievably broken, it shall deny the
 20 petition for dissolution of marriage.

21 Section 13. Section 61.21, Florida Statutes, is
 22 amended to read:

23 61.21 Parenting course authorized; fees; required
 24 attendance authorized; contempt.--

25 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding
 26 of the Legislature that:

27 (a) A large number of children experience the
 28 separation or divorce of their parents each year. Parental
 29 conflict related to divorce is a societal concern because
 30 children suffer potential short-term and long-term detrimental
 31 economic, emotional, and educational effects during this

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 difficult period of family transition. This is particularly
2 true when parents engage in lengthy legal conflict.

3 (b) Parents are more likely to consider the best
4 interests of their children when determining parental
5 arrangements if courts provide families with information
6 regarding the process by which courts make decisions on issues
7 affecting their children and suggestions as to how parents may
8 ease the coming adjustments in family structure for their
9 children.

10 (c) It has been found to be beneficial to parents who
11 are separating or divorcing to have available an educational
12 program that will provide general information regarding:

13 1. The issues and legal procedures for resolving
14 custody and child support disputes.

15 2. The emotional experiences and problems of divorcing
16 adults.

17 3. The family problems and the emotional concerns and
18 needs of the children.

19 4. The availability of community services and
20 resources.

21 (d) Parents who are separating or divorcing are more
22 likely to receive maximum benefit from a program if they
23 attend such program at the earliest stages of their dispute,
24 before extensive litigation occurs and adversarial positions
25 are assumed or intensified.

26 (2)(1) All judicial circuits in the state shall ~~may~~
27 approve a parenting course which shall be a course of a
28 minimum of 4 hours designed to educate, train, and assist
29 divorcing parents in regard to the consequences of divorce on
30 parents and children.

31 (a) The parenting course referred to in this section

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 shall be named The Parent Education and Family Stabilization
2 Course and may include, but not be limited to, the following
3 topics as they relate to court actions between parents
4 involving custody, care, visitation, and support of a child or
5 children:

6 1. Legal aspects of deciding child-related issues
7 between parents.

8 2. Emotional aspects of separation and divorce on
9 adults.

10 3. Emotional aspects of separation and divorce on
11 children.

12 4. Family relationships and family dynamics.

13 5. Financial responsibilities to a child or children.

14 6. Issues regarding spousal or child abuse and
15 neglect.

16 7. Skill-based relationship education that may be
17 generalized to parenting, workplace, school, neighborhood, and
18 civic relationships.

19 (b) Information regarding spousal and child abuse and
20 neglect shall be included in every parent education and family
21 stabilization course. A list of local agencies that provide
22 assistance with such issues shall also be provided.

23 (c) The parent education and family stabilization
24 course shall be educational in nature and shall not be
25 designed to provide individual mental health therapy for
26 parents or children, or individual legal advice to parents or
27 children.

28 (d) Course providers shall not solicit participants
29 from the sessions they conduct to become private clients or
30 patients.

31 (e) Course providers shall not give individual legal

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 advice or mental health therapy.

2 ~~(3)(2)~~ All parties to a dissolution of marriage
3 proceeding with minor children or a paternity action which
4 involves issues of parental responsibility shall ~~or a~~
5 ~~modification of a final judgment action involving shared~~
6 ~~parental responsibilities, custody, or visitation may be~~
7 required to complete The Parent Education and Family
8 Stabilization ~~a court-approved parenting~~ Course prior to the
9 entry by the court of a final judgment ~~or order modifying the~~
10 ~~final judgment.~~ The court may excuse a party from attending
11 the parenting course for good cause.

12 ~~(4)(3)~~ All parties required to complete a parenting
13 course under this section shall begin the course as
14 expeditiously as possible after filing for dissolution of
15 marriage and shall file proof of compliance with the court
16 prior to the entry of the final judgment ~~or order modifying~~
17 ~~the final judgment.~~

18 ~~(5)~~ All parties to a modification of a final judgment
19 involving shared parental responsibilities, custody, or
20 visitation may be required to complete a court-approved
21 parenting course prior to the entry of an order modifying the
22 final judgment.

23 ~~(6)~~ Each judicial circuit may establish a registry of
24 course providers and sites at which the parent education and
25 family stabilization course required by this section may be
26 completed. The court shall also include within the registry of
27 course providers and sites at least one site in each circuit
28 at which the parent education and family stabilization course
29 may be completed on a sliding fee scale, if available.

30 ~~(7)(4)~~ A reasonable fee may be charged to each parent
31 attending the course.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~(8)(5)~~ Information obtained or statements made by the
2 parties at any educational session required under this statute
3 shall not be considered in the adjudication of a pending or
4 subsequent action, nor shall any report resulting from such
5 educational session become part of the record of the case
6 unless the parties have stipulated in writing to the contrary.

7 ~~(9)(6)~~ The court may hold any parent who fails to
8 attend a required parenting course in contempt or that parent
9 may be denied shared parental responsibility or visitation or
10 otherwise sanctioned as the court deems appropriate.

11 ~~(10)(7)~~ Nothing in this section shall be construed to
12 require the parties to a dissolution of marriage to attend a
13 court-approved parenting course together.

14 ~~(11)~~ The court may, without motion of either party,
15 prohibit the parenting course from being taken together, if
16 there is a history of domestic violence between the parties.

17 Section 14. Paragraph (d) is added to subsection (1)
18 of section 28.101, Florida Statutes, to read:

19 28.101 Petitions and records of dissolution of
20 marriage; additional charges.--

21 (1) When a party petitions for a dissolution of
22 marriage, in addition to the filing charges in s. 28.241, the
23 clerk shall collect and receive:

24 ~~(d)~~ A charge of \$32.50. On a monthly basis the clerk
25 shall transfer the moneys collected pursuant to this paragraph
26 as follows:

27 1. An amount of \$7.50 to the State Treasury for
28 deposit in the Displaced Homemaker Trust Fund.

29 2. An amount of \$25 to the Supreme Court for deposit
30 in the Family Courts Trust Fund.

31 Section 15. Section 25.388, Florida Statutes, is

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 amended to read:

2 25.388 Family Courts Trust Fund.--

3 (1)(a) The trust fund moneys in the Family Courts
4 Trust Fund, administered by the Supreme Court, shall be used
5 to implement family court plans in all judicial circuits of
6 this state.

7 (b) The Supreme Court, through the Office of the State
8 Courts Administrator, shall adopt a comprehensive plan for the
9 operation of the trust fund and the expenditure of any moneys
10 deposited into the trust fund. The plan shall provide for a
11 comprehensive integrated response to families in litigation,
12 including domestic violence matters, guardian ad litem
13 programs, mediation programs, legal support, training,
14 automation, and other related costs incurred to benefit the
15 citizens of the state and the courts in relation to family law
16 cases. The trust fund shall be used to fund the publication of
17 the handbook created pursuant to s. 741.0306.

18 (2) As part of its comprehensive plan, the Supreme
19 Court shall evaluate the necessity for an installment plan or
20 a waiver for any or all of the fees based on financial
21 necessity and report such findings to the Legislature.

22 (3) The trust fund shall be funded with moneys
23 generated from fees assessed pursuant to ss. 28.101 and s-
24 741.01(4).

25 Section 16. There is hereby appropriated in fiscal
26 year 1998-1999 the sum of \$75,000 from the General Revenue
27 Fund to the Florida State University Center for Marriage and
28 Family for review of premarital preparation courses,
29 development of premarital preparation pilot programs, and
30 development of a questionnaire and creation of a curriculum
31 based on data collected by its researchers.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 defined objectives, and take the most parsimonious path to
2 remedy a family's problems.

3 4. The intervention should be based upon outcome
4 evaluation results that demonstrate success in protecting
5 children and supporting families.

6 (c) To provide a child protection system that reflects
7 a partnership between the department, other agencies, and
8 local communities.

9 (d) To provide a child protection system that is
10 sensitive to the social and cultural diversity of the state.

11 (e) To provide procedures that allow the department to
12 respond to reports of child abuse, abandonment, or neglect in
13 the most efficient and effective manner and that ensure the
14 health and safety of children and the integrity of families.

15 ~~(c) To ensure the protection of society, by providing~~
16 ~~for a comprehensive standardized assessment of the child's~~
17 ~~needs so that the most appropriate control, discipline,~~
18 ~~punishment, and treatment can be administered consistent with~~
19 ~~the seriousness of the act committed, the community's~~
20 ~~long-term need for public safety, the prior record of the~~
21 ~~child and the specific rehabilitation needs of the child,~~
22 ~~while also providing whenever possible restitution to the~~
23 ~~victim of the offense.~~

24 ~~(f)(d) To preserve and strengthen the child's family~~
25 ~~ties whenever possible, removing the child from parental~~
26 ~~custody only when his or her welfare or the safety and~~
27 ~~protection of the public cannot be adequately safeguarded~~
28 ~~without such removal; and, when the child is removed from his~~
29 ~~or her own family, to secure for the child custody, care, and~~
30 ~~discipline as nearly as possible equivalent to that which~~
31 ~~should have been given by the parents; and to assure, in all~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~cases in which a child must be permanently removed from~~
2 ~~parental custody, that the child be placed in an approved~~
3 ~~family home, adoptive home, independent living program, or~~
4 ~~other placement that provides the most stable and permanent~~
5 ~~living arrangement for the child, as determined by the court.~~

6 (g) To ensure that the parent or guardian from whose
7 custody the child has been taken assists the department to the
8 fullest extent possible in locating relatives suitable to
9 serve as caregivers for the child.

10 (h) To ensure that permanent placement with the
11 biological or adoptive family is achieved as soon as possible
12 for every child in foster care and that no child remains in
13 foster care longer than 1 year.

14 (i) To secure for the child, when removal of the child
15 from his or her own family is necessary, custody, care, and
16 discipline as nearly as possible equivalent to that which
17 should have been given by the parents; and to ensure, in all
18 cases in which a child must be removed from parental custody,
19 that the child is placed in an approved relative home,
20 licensed foster home, adoptive home, or independent living
21 program that provides the most stable and potentially
22 permanent living arrangement for the child, as determined by
23 the court. All placements shall be in a safe environment where
24 drugs and alcohol are not abused.

25 (j) To ensure that, when reunification or adoption is
26 not possible, the child will be prepared for alternative
27 permanency goals or placements, to include, but not be limited
28 to, long-term foster care, independent living, custody with a
29 relative on a permanent basis with or without legal
30 guardianship, or custody with a foster parent or caregiver on
31 a permanent basis with or without legal guardianship.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (k) To make every possible effort, when two or more
2 children who are in the care or under the supervision of the
3 department are siblings, to place the siblings in the same
4 home; and in the event of permanent placement of the siblings,
5 to place them in the same adoptive home or, if the siblings
6 are separated, to keep them in contact with each other.

7 (l)(a) To provide judicial and other procedures to
8 assure due process through which children, parents, and
9 guardians and other interested parties are assured fair
10 hearings by a respectful and respected court or other tribunal
11 and the recognition, protection, and enforcement of their
12 constitutional and other legal rights, while ensuring that
13 public safety interests and the authority and dignity of the
14 courts are adequately protected.

15 (m) To ensure that children under the jurisdiction of
16 the courts are provided equal treatment with respect to goals,
17 objectives, services, and case plans, without regard to the
18 location of their placement. It is the further intent of the
19 Legislature that, when children are removed from their homes,
20 disruption to their education be minimized to the extent
21 possible.

22 ~~(e)1. To assure that the adjudication and disposition~~
23 ~~of a child alleged or found to have committed a violation of~~
24 ~~Florida law be exercised with appropriate discretion and in~~
25 ~~keeping with the seriousness of the offense and the need for~~
26 ~~treatment services, and that all findings made under this~~
27 ~~chapter be based upon facts presented at a hearing that meets~~
28 ~~the constitutional standards of fundamental fairness and due~~
29 ~~process.~~

30 ~~2. To assure that the sentencing and placement of a~~
31 ~~child tried as an adult be appropriate and in keeping with the~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~seriousness of the offense and the child's need for~~
2 ~~rehabilitative services, and that the proceedings and~~
3 ~~procedures applicable to such sentencing and placement be~~
4 ~~applied within the full framework of constitutional standards~~
5 ~~of fundamental fairness and due process.~~

6 ~~(f) To provide children committed to the Department of~~
7 ~~Juvenile Justice with training in life skills, including~~
8 ~~career education.~~

9 (2) DEPARTMENT CONTRACTS.--~~The department of Juvenile~~
10 ~~Justice or the Department of Children and Family Services, as~~
11 ~~appropriate,~~ may contract with the Federal Government, other
12 state departments and agencies, county and municipal
13 governments and agencies, public and private agencies, and
14 private individuals and corporations in carrying out the
15 purposes of, and the responsibilities established in, this
16 chapter.

17 (a) ~~When the department of Juvenile Justice or the~~
18 ~~Department of Children and Family Services~~ contracts with a
19 provider for any program for children, all personnel,
20 including owners, operators, employees, and volunteers, in the
21 facility must be of good moral character. A volunteer who
22 assists on an intermittent basis for less than 40 hours per
23 month need not be screened if the volunteer is under direct
24 and constant supervision by persons who meet the screening
25 requirements.

26 (b) ~~The department of Juvenile Justice and the~~
27 ~~Department of Children and Family Services~~ shall require
28 employment screening, and rescreening no less frequently than
29 once every 5 years, pursuant to chapter 435, using the level 2
30 standards set forth in that chapter for personnel in programs
31 for children or youths.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (c) ~~The department of Juvenile Justice or the~~
2 ~~Department of Children and Family Services~~ may grant
3 exemptions from disqualification from working with children as
4 provided in s. 435.07.

5 (d) The department shall require all job applicants,
6 current employees, volunteers, and contract personnel who
7 currently perform or are seeking to perform child protective
8 investigations to be drug-tested pursuant to the procedures
9 and requirements of s. 112.0455, the Drug-Free Workplace Act.
10 The department is authorized to adopt rules, policies, and
11 procedures necessary to implement this paragraph.

12 (e) The department shall develop and implement a
13 written and performance-based testing and evaluation program,
14 pursuant to s. 20.19(4), to ensure measurable competencies of
15 all employees assigned to manage or supervise cases of child
16 abuse, abandonment, and neglect.

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

20 (a) Protection from abuse, abandonment, neglect, and
21 exploitation.

22 (b) A permanent and stable home.

23 (c) A safe and nurturing environment which will
24 preserve a sense of personal dignity and integrity.

25 (d) Adequate nutrition, shelter, and clothing.

26 (e) Effective treatment to address physical, social,
27 and emotional needs, regardless of geographical location.

28 (f) Equal opportunity and access to quality and
29 effective education, which will meet the individual needs of
30 each child, and to recreation and other community resources to
31 develop individual abilities.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (g) Access to preventive services.

2 (h) An independent, trained advocate, when
3 intervention is necessary and a skilled guardian or caregiver
4 in a safe environment when alternative placement is necessary.

5 (4) SUBSTANCE ABUSE SERVICES.--The Legislature finds
6 that children in the care of the state's dependency system
7 need appropriate health care services, that the impact of
8 substance abuse on health indicates the need for health care
9 services to include substance abuse services to children and
10 parents where appropriate, and that it is in the state's best
11 interest that such children be provided the services they need
12 to enable them to become and remain independent of state care.
13 In order to provide these services, the state's dependency
14 system must have the ability to identify and provide
15 appropriate intervention and treatment for children with
16 personal or family-related substance abuse problems. It is
17 therefore the purpose of the Legislature to provide authority
18 for the state to contract with community substance abuse
19 treatment providers for the development and operation of
20 specialized support and overlay services for the dependency
21 system, which will be fully implemented and utilized as
22 resources permit.

23 (5) PARENTAL, CUSTODIAL, AND GUARDIAN
24 RESPONSIBILITIES.--Parents, custodians, and guardians are
25 deemed by the state to be responsible for providing their
26 children with sufficient support, guidance, and supervision.
27 The state further recognizes that the ability of parents,
28 custodians, and guardians to fulfill those responsibilities
29 can be greatly impaired by economic, social, behavioral,
30 emotional, and related problems. It is therefore the policy of
31 the Legislature that it is the state's responsibility to

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ensure that factors impeding the ability of caregivers to
2 fulfill their responsibilities are identified through the
3 dependency process and that appropriate recommendations and
4 services to address those problems are considered in any
5 judicial or nonjudicial proceeding.

6 (6) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
7 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
8 child abuse, abandonment, and neglect has increased rapidly
9 over the past 5 years. The impact that abuse, abandonment, or
10 neglect has on the victimized child, siblings, family
11 structure, and inevitably on all citizens of the state has
12 caused the Legislature to determine that the prevention of
13 child abuse, abandonment, and neglect shall be a priority of
14 this state. To further this end, it is the intent of the
15 Legislature that a comprehensive approach for the prevention
16 of abuse, abandonment, and neglect of children be developed
17 for the state and that this planned, comprehensive approach be
18 used as a basis for funding.

19 (7) PLAN FOR COMPREHENSIVE APPROACH.--

20 (a) The department shall develop a state plan for the
21 prevention of abuse, abandonment, and neglect of children and
22 shall submit the plan to the Speaker of the House of
23 Representatives, the President of the Senate, and the Governor
24 no later than January 1, 1983. The Department of Education and
25 the Division of Children's Medical Services of the Department
26 of Health shall participate and fully cooperate in the
27 development of the state plan at both the state and local
28 levels. Furthermore, appropriate local agencies and
29 organizations shall be provided an opportunity to participate
30 in the development of the state plan at the local level.
31 Appropriate local groups and organizations shall include, but

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 not be limited to, community mental health centers; guardian
2 ad litem programs for children under the circuit court; the
3 school boards of the local school districts; the district
4 human rights advocacy committees; private or public
5 organizations or programs with recognized expertise in working
6 with children who are sexually abused, physically abused,
7 emotionally abused, abandoned, or neglected and with expertise
8 in working with the families of such children; private or
9 public programs or organizations with expertise in maternal
10 and infant health care; multidisciplinary child protection
11 teams; child day care centers; law enforcement agencies, and
12 the circuit courts, when guardian ad litem programs are not
13 available in the local area. The state plan to be provided to
14 the Legislature and the Governor shall include, as a minimum,
15 the information required of the various groups in paragraph
16 (b).

17 (b) The development of the comprehensive state plan
18 shall be accomplished in the following manner:

19 1. The department shall establish an interprogram task
20 force comprised of the Assistant Secretary for Children and
21 Family Services, or a designee, a representative from the
22 Children and Families Program Office, a representative from
23 the Alcohol, Drug Abuse, and Mental Health Program Office, a
24 representative from the Developmental Services Program Office,
25 a representative from the Office of Standards and Evaluation,
26 and a representative from the Division of Children's Medical
27 Services of the Department of Health. Representatives of the
28 Department of Law Enforcement and of the Department of
29 Education shall serve as ex officio members of the
30 interprogram task force. The interprogram task force shall be
31 responsible for:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 a. Developing a plan of action for better coordination
2 and integration of the goals, activities, and funding
3 pertaining to the prevention of child abuse, abandonment, and
4 neglect conducted by the department in order to maximize staff
5 and resources at the state level. The plan of action shall be
6 included in the state plan.

7 b. Providing a basic format to be utilized by the
8 districts in the preparation of local plans of action in order
9 to provide for uniformity in the district plans and to provide
10 for greater ease in compiling information for the state plan.

11 c. Providing the districts with technical assistance
12 in the development of local plans of action, if requested.

13 d. Examining the local plans to determine if all the
14 requirements of the local plans have been met and, if they
15 have not, informing the districts of the deficiencies and
16 requesting the additional information needed.

17 e. Preparing the state plan for submission to the
18 Legislature and the Governor. Such preparation shall include
19 the collapsing of information obtained from the local plans,
20 the cooperative plans with the Department of Education, and
21 the plan of action for coordination and integration of
22 departmental activities into one comprehensive plan. The
23 comprehensive plan shall include a section reflecting general
24 conditions and needs, an analysis of variations based on
25 population or geographic areas, identified problems, and
26 recommendations for change. In essence, the plan shall
27 provide an analysis and summary of each element of the local
28 plans to provide a statewide perspective. The plan shall also
29 include each separate local plan of action.

30 f. Working with the specified state agency in
31 fulfilling the requirements of subparagraphs 2., 3., 4., and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 5.

2 2. The department, the Department of Education, and
3 the Department of Health shall work together in developing
4 ways to inform and instruct parents of school children and
5 appropriate district school personnel in all school districts
6 in the detection of child abuse, abandonment, and neglect and
7 in the proper action that should be taken in a suspected case
8 of child abuse, abandonment, or neglect, and in caring for a
9 child's needs after a report is made. The plan for
10 accomplishing this end shall be included in the state plan.

11 3. The department, the Department of Law Enforcement,
12 and the Department of Health shall work together in developing
13 ways to inform and instruct appropriate local law enforcement
14 personnel in the detection of child abuse, abandonment, and
15 neglect and in the proper action that should be taken in a
16 suspected case of child abuse, abandonment, or neglect.

17 4. Within existing appropriations, the department
18 shall work with other appropriate public and private agencies
19 to emphasize efforts to educate the general public about the
20 problem of and ways to detect child abuse, abandonment, and
21 neglect and in the proper action that should be taken in a
22 suspected case of child abuse, abandonment, or neglect. The
23 plan for accomplishing this end shall be included in the state
24 plan.

25 5. The department, the Department of Education, and
26 the Department of Health shall work together on the
27 enhancement or adaptation of curriculum materials to assist
28 instructional personnel in providing instruction through a
29 multidisciplinary approach on the identification,
30 intervention, and prevention of child abuse, abandonment, and
31 neglect. The curriculum materials shall be geared toward a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 sequential program of instruction at the four progressional
2 levels, K-3, 4-6, 7-9, and 10-12. Strategies for encouraging
3 all school districts to utilize the curriculum are to be
4 included in the comprehensive state plan for the prevention of
5 child abuse, abandonment, and neglect.

6 6. Each district of the department shall develop a
7 plan for its specific geographical area. The plan developed
8 at the district level shall be submitted to the interprogram
9 task force for utilization in preparing the state plan. The
10 district local plan of action shall be prepared with the
11 involvement and assistance of the local agencies and
12 organizations listed in paragraph (a), as well as
13 representatives from those departmental district offices
14 participating in the treatment and prevention of child abuse,
15 abandonment, and neglect. In order to accomplish this, the
16 district administrator in each district shall establish a task
17 force on the prevention of child abuse, abandonment, and
18 neglect. The district administrator shall appoint the members
19 of the task force in accordance with the membership
20 requirements of this section. In addition, the district
21 administrator shall ensure that each subdistrict is
22 represented on the task force; and, if the district does not
23 have subdistricts, the district administrator shall ensure
24 that both urban and rural areas are represented on the task
25 force. The task force shall develop a written statement
26 clearly identifying its operating procedures, purpose, overall
27 responsibilities, and method of meeting responsibilities. The
28 district plan of action to be prepared by the task force shall
29 include, but shall not be limited to:

30 a. Documentation of the magnitude of the problems of
31 child abuse, including sexual abuse, physical abuse, and

Bill No. HB 1019, 2nd Eng.

Amendment No.

1 emotional abuse, and child abandonment and neglect in its
2 geographical area.

3 b. A description of programs currently serving abused,
4 abandoned, and neglected children and their families and a
5 description of programs for the prevention of child abuse,
6 abandonment, and neglect, including information on the impact,
7 cost-effectiveness, and sources of funding of such programs.

8 c. A continuum of programs and services necessary for
9 a comprehensive approach to the prevention of all types of
10 child abuse, abandonment, and neglect as well as a brief
11 description of such programs and services.

12 d. A description, documentation, and priority ranking
13 of local needs related to child abuse, abandonment, and
14 neglect prevention based upon the continuum of programs and
15 services.

16 e. A plan for steps to be taken in meeting identified
17 needs, including the coordination and integration of services
18 to avoid unnecessary duplication and cost, and for alternative
19 funding strategies for meeting needs through the reallocation
20 of existing resources, utilization of volunteers, contracting
21 with local universities for services, and local government or
22 private agency funding.

23 f. A description of barriers to the accomplishment of
24 a comprehensive approach to the prevention of child abuse,
25 abandonment, and neglect.

26 g. Recommendations for changes that can be
27 accomplished only at the state program level or by legislative
28 action.

29 (8) FUNDING AND SUBSEQUENT PLANS.--

30 (a) All budget requests submitted by the department,
31 the Department of Education, or any other agency to the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Legislature for funding of efforts for the prevention of child
2 abuse, abandonment, and neglect shall be based on the state
3 plan developed pursuant to this section.

4 (b) The department at the state and district levels
5 and the other agencies listed in paragraph (7)(a) shall
6 readdress the plan and make necessary revisions every 5 years,
7 at a minimum. Such revisions shall be submitted to the Speaker
8 of the House of Representatives and the President of the
9 Senate no later than June 30 of each year divisible by 5. An
10 annual progress report shall be submitted to update the plan
11 in the years between the 5-year intervals. In order to avoid
12 duplication of effort, these required plans may be made a part
13 of or merged with other plans required by either the state or
14 Federal Government, so long as the portions of the other state
15 or Federal Government plan that constitute the state plan for
16 the prevention of child abuse, abandonment, and neglect are
17 clearly identified as such and are provided to the Speaker of
18 the House of Representatives and the President of the Senate
19 as required above.

20 (9)(3) LIBERAL CONSTRUCTION.--It is the intent of the
21 Legislature that this chapter be liberally interpreted and
22 construed in conformity with its declared purposes.

23 Section 19. Section 415.5015, Florida Statutes, is
24 renumbered as section 39.0015, Florida Statutes, and amended
25 to read:

26 39.0015 415.5015 Child abuse prevention training in
27 the district school system.--

28 (1) SHORT TITLE.--This section may be cited as the
29 "Child Abuse Prevention Training Act of 1985."

30 (2) LEGISLATIVE INTENT.--It is the intent of the
31 Legislature that primary prevention training for all children

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 in kindergarten through grade 12 be encouraged in the district
2 school system through the training of school teachers,
3 guidance counselors, parents, and children.

4 (3) DEFINITIONS.--As used in this section:

5 (a) "Department" means the Department of Education.

6 (b) "Child abuse" means those acts as defined in ss.
7 39.01, ~~415.503~~, and 827.04.

8 (c) "Primary prevention and training program" means a
9 training and educational program for children, parents, and
10 teachers which is directed toward preventing the occurrence of
11 child abuse, including sexual abuse, physical abuse, child
12 abandonment, child neglect, and drug and alcohol abuse, and
13 toward reducing the vulnerability of children through training
14 of children and through including coordination with, and
15 training for, parents and school personnel.

16 (d) "Prevention training center" means a center as
17 described in subsection (5).

18 (4) PRIMARY PREVENTION AND TRAINING PROGRAM.--A
19 primary prevention and training program shall include all of
20 the following, as appropriate for the persons being trained:

21 (a) Information provided in a clear and nonthreatening
22 manner, describing the problem of sexual abuse, physical
23 abuse, abandonment, neglect, and alcohol and drug abuse, and
24 the possible solutions.

25 (b) Information and training designed to counteract
26 common stereotypes about victims and offenders.

27 (c) Crisis counseling techniques.

28 (d) Available community resources and ways to access
29 those resources.

30 (e) Physical and behavioral indicators of abuse.

31 (f) Rights and responsibilities regarding reporting.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

- 1 (g) School district procedures to facilitate
2 reporting.
- 3 (h) Caring for a child's needs after a report is made.
- 4 (i) How to disclose incidents of abuse.
- 5 (j) Child safety training and age-appropriate
6 self-defense techniques.
- 7 (k) The right of every child to live free of abuse.
- 8 (l) The relationship of child abuse to handicaps in
9 young children.
- 10 (m) Parenting, including communication skills.
- 11 (n) Normal and abnormal child development.
- 12 (o) Information on recognizing and alleviating family
13 stress caused by the demands required in caring for a
14 high-risk or handicapped child.
- 15 (p) Supports needed by school-age parents in caring
16 for a young child.
- 17 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION
18 PROCESS; MONITORING AND EVALUATION.--
- 19 (a) Each training center shall perform the following
20 functions:
- 21 1. Act as a clearinghouse to provide information on
22 prevention curricula which meet the requirements of this
23 section and the requirements of ss. 39.001,231.17, and
24 236.0811, and 415.501.
- 25 2. Assist the local school district in selecting a
26 prevention program model which meets the needs of the local
27 community.
- 28 3. At the request of the local school district, design
29 and administer training sessions to develop or expand local
30 primary prevention and training programs.
- 31 4. Provide assistance to local school districts,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 including, but not limited to, all of the following:
2 administration, management, program development, multicultural
3 staffing, and community education, in order to better meet the
4 requirements of this section and of ss. 39.001, 231.17, and
5 236.0811, and 415.501.

6 5. At the request of the department of ~~Education~~ or
7 the local school district, provide ongoing program development
8 and training to achieve all of the following:

9 a. Meet the special needs of children, including, but
10 not limited to, the needs of disabled and high-risk children.

11 b. Conduct an outreach program to inform the
12 surrounding communities of the existence of primary prevention
13 and training programs and of funds to conduct such programs.

14 6. Serve as a resource to the Department of Children
15 and Family Services and its districts.

16 (b) The department, in consultation with the
17 Department of Children and Family Health and Rehabilitative
18 Services, shall select and award grants by January 1, 1986,
19 for the establishment of three private, nonprofit prevention
20 training centers: one located in and serving South Florida,
21 one located in and serving Central Florida, and one located in
22 and serving North Florida. The department, in consultation
23 with the Department of Children and Family Health and
24 Rehabilitative Services, shall select an agency or agencies to
25 establish three training centers which can fulfill the
26 requirements of this section and meet the following
27 requirements:

28 1. Have demonstrated experience in child abuse
29 prevention training.

30 2. Have shown capacity for training primary prevention
31 and training programs as provided for in subsections (3) and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~defined in subsection (4).~~

2 3. Have provided training and organizing technical
3 assistance to the greatest number of private prevention and
4 training programs.

5 4. Have employed the greatest number of trainers with
6 experience in private child abuse prevention and training
7 programs.

8 5. Have employed trainers which represent the cultural
9 diversity of the area.

10 6. Have established broad community support.

11 (c) The department shall monitor and evaluate primary
12 prevention and training programs utilized in the local school
13 districts and shall monitor and evaluate the impact of the
14 prevention training centers on the implementation of primary
15 prevention programs and their ability to meet the required
16 responsibilities of a center as described in this section.

17 (6) The department ~~of Education~~ shall administer this
18 section act and in so doing is authorized to adopt rules and
19 standards necessary to implement the specific provisions of
20 this section act.

21 Section 20. Section 39.01, Florida Statutes, as
22 amended by chapter 97-276, Laws of Florida, is amended to
23 read:

24 39.01 Definitions.--When used in this chapter, unless
25 the context otherwise requires:

26 (1) "Abandoned" means a situation in which the parent
27 or legal custodian of a child or, in the absence of a parent
28 or legal custodian, the caregiver person responsible for the
29 child's welfare, while being able, makes no provision for the
30 child's support and makes no effort to communicate with the
31 child, which situation is sufficient to evince a willful

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 rejection of parental obligations. If the efforts of such
2 parent or legal custodian, or caregiver person primarily
3 responsible for the child's welfare, to support and
4 communicate with the child are, in the opinion of the court,
5 only marginal efforts that do not evince a settled purpose to
6 assume all parental duties, the court may declare the child to
7 be abandoned. The term "abandoned" does not include a "child
8 in need of services" as defined in chapter 984 or a "family in
9 need of services" as defined in chapter 984. The incarceration
10 of a parent, legal custodian, or caregiver person responsible
11 for a child's welfare may support ~~does not constitute a bar to~~
12 a finding of abandonment.

13 (2) "Abuse" means any willful act or threatened act
14 that results in any physical, mental, or sexual injury or harm
15 that causes or is likely to cause the child's physical,
16 mental, or emotional health to be significantly impaired. For
17 the purpose of protective investigations, abuse of a child
18 includes the acts or omissions of the parent, legal custodian,
19 caregiver, or other person responsible for the child's
20 welfare. Corporal discipline of a child by a parent, legal
21 custodian, or caregiver guardian for disciplinary purposes
22 does not in itself constitute abuse when it does not result in
23 harm to the child ~~as defined in s. 415.503.~~

24 (3) "Addictions receiving facility" means a substance
25 abuse service provider as defined in chapter 397.

26 (4) "Adjudicatory hearing" means a hearing for the
27 court to determine whether or not the facts support the
28 allegations stated in the petition ~~as is provided for under s.~~
29 ~~39.408(2),~~ in dependency cases, ~~or s. 39.467,~~ in termination
30 of parental rights cases.

31 (5) "Adult" means any natural person other than a

Bill No. HB 1019, 2nd Eng.

Amendment No.

1 child.

2 (6) "Adoption" means the act of creating the legal
3 relationship between parent and child where it did not exist,
4 thereby declaring the child to be legally the child of the
5 adoptive parents and their heir at law, and entitled to all
6 the rights and privileges and subject to all the obligations
7 of a child born to such adoptive parents in lawful wedlock.

8 (7) "Alleged juvenile sexual offender" means:

9 (a) A child 12 years of age or younger who is alleged
10 to have committed a violation of chapter 794, chapter 796,
11 chapter 800, s. 827.071, or s. 847.0133; or

12 (b) A child who is alleged to have committed any
13 violation of law or delinquent act involving juvenile sexual
14 abuse. "Juvenile sexual abuse" means any sexual behavior that
15 occurs without consent, without equality, or as a result of
16 coercion. For purposes of this paragraph, the following
17 definitions apply:

18 1. "Coercion" means the exploitation of authority or
19 the use of bribes, threats of force, or intimidation to gain
20 cooperation or compliance.

21 2. "Equality" means two participants operating with
22 the same level of power in a relationship, neither being
23 controlled nor coerced by the other.

24 3. "Consent" means an agreement, including all of the
25 following:

26 a. Understanding what is proposed based on age,
27 maturity, developmental level, functioning, and experience.

28 b. Knowledge of societal standards for what is being
29 proposed.

30 c. Awareness of potential consequences and
31 alternatives.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 d. Assumption that agreement or disagreement will be
2 accepted equally.

3 e. Voluntary decision.

4 f. Mental competence.

5
6 Juvenile sexual offender behavior ranges from noncontact
7 sexual behavior such as making obscene phone calls,
8 exhibitionism, voyeurism, and the showing or taking of lewd
9 photographs to varying degrees of direct sexual contact, such
10 as frottage, fondling, digital penetration, rape, fellatio,
11 sodomy, and various other sexually aggressive acts.

12 ~~(8)(6)~~ "Arbitration" means a process whereby a neutral
13 third person or panel, called an arbitrator or an arbitration
14 panel, considers the facts and arguments presented by the
15 parties and renders a decision which may be binding or
16 nonbinding.

17 ~~(9)(7)~~ "Authorized agent" or "designee" of the
18 department means an employee, volunteer, or other person or
19 agency determined by the state to be eligible for state-funded
20 risk management coverage, which is a person or agency assigned
21 or designated by the department of Juvenile Justice or the
22 Department of Children and Family Services, as appropriate, to
23 perform duties or exercise powers pursuant to this chapter and
24 includes contract providers and their employees for purposes
25 of providing services to and managing cases of children in
26 need of services and families in need of services.

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

30 ~~(8)~~ "Caretaker/homemaker" means ~~an authorized agent of~~
31 ~~the Department of Children and Family Services who shall~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~remain in the child's home with the child until a parent,~~
2 ~~legal guardian, or relative of the child enters the home and~~
3 ~~is capable of assuming and agrees to assume charge of the~~
4 ~~child.~~

5 (11)(9) "Case plan" or "plan" means a document, as
6 described in s. 39.601 39.4031, prepared by the department
7 with input from all parties, including parents, guardians ad
8 litem, legal custodians, caregivers, and the child. The case
9 plan, that follows the child from the provision of voluntary
10 services through any dependency, foster care, or termination
11 of parental rights proceeding or related activity or process.

12 (12)(10) "Child" or "juvenile" or "youth" means any
13 unmarried person under the age of 18 years who has not been
14 emancipated by order of the court and who has been alleged or
15 found ~~or alleged~~ to be dependent, ~~in need of services, or from~~
16 a family in need of services; or any married or unmarried
17 person who is charged with a violation of law occurring prior
18 to the time that person reached the age of 18 years.

19 (13) "Child protection team" means a team of
20 professionals established by the department to receive
21 referrals from the protective investigators and protective
22 supervision staff of the department and to provide specialized
23 and supportive services to the program in processing child
24 abuse, abandonment, or neglect cases. A child protection team
25 shall provide consultation to other programs of the department
26 and other persons regarding child abuse, abandonment, or
27 neglect cases.

28 (14)(11) "Child who is found to be dependent" means a
29 child who, pursuant to this chapter, is found by the court:

30 (a) To have been abandoned, abused, or neglected by
31 the child's parent or parents, legal custodians, or

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~caregivers; or other custodians.~~

2 (b) To have been surrendered to the department of
3 ~~Children and Family Services~~, the former Department of Health
4 and Rehabilitative Services, or a licensed child-placing
5 agency for purpose of adoption;~~;~~

6 (c) To have been voluntarily placed with a licensed
7 child-caring agency, a licensed child-placing agency, an adult
8 relative, the department of ~~Children and Family Services~~, or
9 the former Department of Health and Rehabilitative Services,
10 after which placement, under the requirements of ~~part II~~ of
11 this chapter, a case plan has expired and the parent or
12 parents, legal custodians, or caregivers have failed to
13 substantially comply with the requirements of the plan;~~;~~

14 (d) To have been voluntarily placed with a licensed
15 child-placing agency for the purposes of subsequent adoption,
16 and a natural parent or parents has signed a consent pursuant
17 to the Florida Rules of Juvenile Procedure;~~;~~

18 (e) To have no parent, legal custodian, or caregiver
19 ~~responsible adult relative~~ to provide supervision and care;
20 ~~or~~;

21 (f) To be at substantial risk of imminent abuse,
22 abandonment, or neglect by the parent or parents, legal
23 custodians, or caregivers ~~or the custodian~~.

24 ~~(15)(12)~~ "Child support" means a court-ordered
25 obligation, enforced under chapter 61 and ss.
26 409.2551-409.2597, for monetary support for the care,
27 maintenance, training, and education of a child.

28 ~~(16)(13)~~ "Circuit" means any of the 20 judicial
29 circuits as set forth in s. 26.021.

30 ~~(17)(14)~~ "Comprehensive assessment" or "assessment"
31 means the gathering of information for the evaluation of a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~juvenile offender's~~ or a child's and caregiver's physical,
2 ~~psychiatric, psychological or mental health~~, educational,
3 vocational, and social condition and family environment as
4 they relate to the child's and caregiver's need for
5 rehabilitative and treatment services, including substance
6 abuse treatment services, mental health services,
7 developmental services, literacy services, medical services,
8 family services, and other specialized services, as
9 appropriate.

10 ~~(18)(15)~~ "Court," unless otherwise expressly stated,
11 means the circuit court assigned to exercise jurisdiction
12 under this chapter.

13 ~~(19)(16)~~ "Department," ~~as used in this chapter,~~ means
14 the Department of Children and Family Services.

15 ~~(20)(17)~~ "Diligent efforts by a parent, legal
16 custodian, or caregiver" means a course of conduct which
17 results in a reduction in risk to the child in the child's
18 home that would allow the child to be safely placed
19 permanently back in the home as set forth in the case plan.

20 ~~(21)(18)~~ "Diligent efforts of social service agency"
21 means reasonable efforts to provide social services or
22 reunification services made by any social service agency ~~as~~
23 ~~defined in this section~~ that is a party to a case plan.

24 ~~(22)(19)~~ "Diligent search" means the efforts of a
25 social service agency to locate a parent or prospective parent
26 whose identity or location is unknown, ~~or a relative made~~
27 ~~known to the social services agency by the parent or custodian~~
28 ~~of a child. When the search is for a parent, prospective~~
29 ~~parent, or relative of a child in the custody of the~~
30 ~~department, this search must be~~ initiated as soon as the
31 social service agency is made aware of the existence of such

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 parent, with the search progress reported at each court
2 hearing until the parent is either identified and located or
3 the court excuses further search.~~prospective parent, or~~
4 ~~relative. A diligent search shall include interviews with~~
5 ~~persons who are likely to have information about the identity~~
6 ~~or location of the person being sought, comprehensive database~~
7 ~~searches, and records searches, including searches of~~
8 ~~employment, residence, utilities, Armed Forces, vehicle~~
9 ~~registration, child support enforcement, law enforcement, and~~
10 ~~corrections records, and any other records likely to result in~~
11 ~~identifying and locating the person being sought. The initial~~
12 ~~diligent search must be completed within 90 days after a child~~
13 ~~is taken into custody. After the completion of the initial~~
14 ~~diligent search, the department, unless excused by the court,~~
15 ~~shall have a continuing duty to search for relatives with whom~~
16 ~~it may be appropriate to place the child, until such relatives~~
17 ~~are found or until the child is placed for adoption.~~

18 (23)(20) "Disposition hearing" means a hearing in
19 which the court determines the most appropriate family support
20 ~~dispositional~~ services in the least restrictive available
21 setting ~~provided for under s. 39.408(3),~~ in dependency cases,
22 or ~~s. 39.469,~~ in termination of parental rights cases.

23 (24) "District" means any one of the 15 service
24 districts of the department established pursuant to s. 20.19.

25 (25)(21) "District administrator" means the chief
26 operating officer of each service district of the department
27 ~~of Children and Family Services~~ as defined in s. 20.19(7)(6)
28 and, where appropriate, includes any ~~each~~ district
29 administrator whose service district falls within the
30 boundaries of a judicial circuit.

31 (26) "Expedited termination of parental rights" means

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 proceedings wherein a case plan with the goal of reunification
2 is not being offered.

3 (27) "False report" means a report of abuse, neglect,
4 or abandonment of a child to the central abuse hotline, which
5 report is maliciously made for the purpose of:

6 (a) Harassing, embarrassing, or harming another
7 person;

8 (b) Personal financial gain for the reporting person;

9 (c) Acquiring custody of a child; or

10 (d) Personal benefit for the reporting person in any
11 other private dispute involving a child.

12

13 The term "false report" does not include a report of abuse,
14 neglect, or abandonment of a child made in good faith to the
15 central abuse hotline.

16 (28)(22) "Family" means a collective body of persons,
17 consisting of a child and a parent, legal guardian, adult
18 custodian, caregiver, or adult relative, in which:

19 (a) The persons reside in the same house or living
20 unit; or

21 (b) The parent, legal guardian, adult custodian,
22 caregiver, or adult relative has a legal responsibility by
23 blood, marriage, or court order to support or care for the
24 child.

25 (29)(23) "Foster care" means care provided a child in
26 a foster family or boarding home, group home, agency boarding
27 home, child care institution, or any combination thereof.

28 (30) "Harm" to a child's health or welfare can occur
29 when the parent, legal custodian, or caregiver responsible for
30 the child's welfare:

31 (a) Inflicts or allows to be inflicted upon the child

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 physical, mental, or emotional injury. In determining whether
2 harm has occurred, the following factors must be considered in
3 evaluating any physical, mental, or emotional injury to a
4 child: the age of the child; any prior history of injuries to
5 the child; the location of the injury on the body of the
6 child; the multiplicity of the injury; and the type of trauma
7 inflicted. Such injury includes, but is not limited to:

8 1. Willful acts that produce the following specific
9 injuries:

- 10 a. Sprains, dislocations, or cartilage damage.
11 b. Bone or skull fractures.
12 c. Brain or spinal cord damage.
13 d. Intracranial hemorrhage or injury to other internal
14 organs.
15 e. Asphyxiation, suffocation, or drowning.
16 f. Injury resulting from the use of a deadly weapon.
17 g. Burns or scalding.
18 h. Cuts, lacerations, punctures, or bites.
19 i. Permanent or temporary disfigurement.
20 j. Permanent or temporary loss or impairment of a body
21 part or function.

22
23 As used in this subparagraph, the term "willful" refers to the
24 intent to perform an action, not to the intent to achieve a
25 result or to cause an injury.

26 2. Purposely giving a child poison, alcohol, drugs, or
27 other substances that substantially affect the child's
28 behavior, motor coordination, or judgment or that result in
29 sickness or internal injury. For the purposes of this
30 subparagraph, the term "drugs" means prescription drugs not
31 prescribed for the child or not administered as prescribed,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 and controlled substances as outlined in Schedule I or
2 Schedule II of s. 893.03.

3 3. Leaving a child without adult supervision or
4 arrangement appropriate for the child's age or mental or
5 physical condition, so that the child is unable to care for
6 the child's own needs or another's basic needs or is unable to
7 exercise good judgment in responding to any kind of physical
8 or emotional crisis.

9 4. Inappropriate or excessively harsh disciplinary
10 action that is likely to result in physical injury, mental
11 injury as defined in this section, or emotional injury. The
12 significance of any injury must be evaluated in light of the
13 following factors: the age of the child; any prior history of
14 injuries to the child; the location of the injury on the body
15 of the child; the multiplicity of the injury; and the type of
16 trauma inflicted. Corporal discipline may be considered
17 excessive or abusive when it results in any of the following
18 or other similar injuries:

- 19 a. Sprains, dislocations, or cartilage damage.
- 20 b. Bone or skull fractures.
- 21 c. Brain or spinal cord damage.
- 22 d. Intracranial hemorrhage or injury to other internal
23 organs.
- 24 e. Asphyxiation, suffocation, or drowning.
- 25 f. Injury resulting from the use of a deadly weapon.
- 26 g. Burns or scalding.
- 27 h. Cuts, lacerations, punctures, or bites.
- 28 i. Permanent or temporary disfigurement.
- 29 j. Permanent or temporary loss or impairment of a body
30 part or function.
- 31 k. Significant bruises or welts.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (b) Commits, or allows to be committed, sexual
2 battery, as defined in chapter 794, or lewd or lascivious
3 acts, as defined in chapter 800, against the child.

4 (c) Allows, encourages, or forces the sexual
5 exploitation of a child, which includes allowing, encouraging,
6 or forcing a child to:

7 1. Solicit for or engage in prostitution; or

8 2. Engage in a sexual performance, as defined by
9 chapter 827.

10 (d) Exploits a child, or allows a child to be
11 exploited, as provided in s. 450.151.

12 (e) Abandons the child. Within the context of the
13 definition of "harm," the term "abandons the child" means that
14 the parent or legal custodian of a child or, in the absence of
15 a parent or legal custodian, the person responsible for the
16 child's welfare, while being able, makes no provision for the
17 child's support and makes no effort to communicate with the
18 child, which situation is sufficient to evince a willful
19 rejection of parental obligation. If the efforts of such a
20 parent or legal custodian or person primarily responsible for
21 the child's welfare to support and communicate with the child
22 are only marginal efforts that do not evince a settled purpose
23 to assume all parental duties, the child may be determined to
24 have been abandoned.

25 (f) Neglects the child. Within the context of the
26 definition of "harm," the term "neglects the child" means that
27 the parent or other person responsible for the child's welfare
28 fails to supply the child with adequate food, clothing,
29 shelter, or health care, although financially able to do so or
30 although offered financial or other means to do so. However,
31 a parent, legal custodian, or caregiver who, by reason of the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 legitimate practice of religious beliefs, does not provide
2 specified medical treatment for a child may not be considered
3 abusive or neglectful for that reason alone, but such an
4 exception does not:

5 1. Eliminate the requirement that such a case be
6 reported to the department;

7 2. Prevent the department from investigating such a
8 case; or

9 3. Preclude a court from ordering, when the health of
10 the child requires it, the provision of medical services by a
11 physician, as defined in this section, or treatment by a duly
12 accredited practitioner who relies solely on spiritual means
13 for healing in accordance with the tenets and practices of a
14 well-recognized church or religious organization.

15 (g) Exposes a child to a controlled substance or
16 alcohol. Exposure to a controlled substance or alcohol is
17 established by:

18 1. Use by the mother of a controlled substance or
19 alcohol during pregnancy when the child, at birth, is
20 demonstrably adversely affected by such usage; or

21 2. Continued chronic and severe use of a controlled
22 substance or alcohol by a parent when the child is
23 demonstrably adversely affected by such usage.

24
25 As used in this paragraph, the term "controlled substance"
26 means prescription drugs not prescribed for the parent or not
27 administered as prescribed and controlled substances as
28 outlined in Schedule I or Schedule II of s. 893.03.

29 (h) Uses mechanical devices, unreasonable restraints,
30 or extended periods of isolation to control a child.

31 (i) Engages in violent behavior that demonstrates a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 wanton disregard for the presence of a child and could
2 reasonably result in serious injury to the child.

3 (j) Negligently fails to protect a child in his or her
4 care from inflicted physical, mental, or sexual injury caused
5 by the acts of another.

6 (k) Has allowed a child's sibling to die as a result
7 of abuse, abandonment, or neglect.

8 (31)(24) "Health and human services board" means the
9 body created in each service district of the department of
10 Children and Family Services pursuant to the provisions of s.
11 20.19(8)(7).

12 (32) "Institutional child abuse or neglect" means
13 situations of known or suspected child abuse or neglect in
14 which the person allegedly perpetrating the child abuse or
15 neglect is an employee of a private school, public or private
16 day care center, residential home, institution, facility, or
17 agency or any other person at such institution responsible for
18 the child's care.

19 (33)(25) "Judge" means the circuit judge exercising
20 jurisdiction pursuant to this chapter.

21 (34)(26) "Legal custody" means a legal status created
22 by court order or letter of guardianship which vests in a
23 custodian of the person or guardian, whether an agency or an
24 individual, the right to have physical custody of the child
25 and the right and duty to protect, train, and discipline the
26 child and to provide him or her with food, shelter, education,
27 and ordinary medical, dental, psychiatric, and psychological
28 care. The legal custodian is the person or entity in whom the
29 legal right to custody is vested.

30 (35) "Legal guardianship" means a judicially created
31 relationship between the child and caregiver which is intended

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 to be permanent and self-sustaining and is provided pursuant
2 to the procedures in chapter 744.

3 (36)(27) "Licensed child-caring agency" means a
4 person, society, association, or agency licensed by the
5 department of ~~Children and Family Services~~ to care for,
6 receive, and board children.

7 (37)(28) "Licensed child-placing agency" means a
8 person, society, association, or institution licensed by the
9 department of ~~Children and Family Services~~ to care for,
10 receive, or board children and to place children in a licensed
11 child-caring institution or a foster or adoptive home.

12 (38)(29) "Licensed health care professional" means a
13 physician licensed under chapter 458, an osteopathic physician
14 licensed under chapter 459, a nurse licensed under chapter
15 464, a physician assistant certified under chapter 458 or
16 chapter 459, or a dentist licensed under chapter 466.

17 (39)(30) "Likely to injure oneself" means that, as
18 evidenced by violent or other actively self-destructive
19 behavior, it is more likely than not that within a 24-hour
20 period the child will attempt to commit suicide or inflict
21 serious bodily harm on himself or herself.

22 (40)(31) "Likely to injure others" means that it is
23 more likely than not that within a 24-hour period the child
24 will inflict serious and unjustified bodily harm on another
25 person.

26 (41)(32) "Long-term relative custodian" means an adult
27 relative who is a party to a long-term custodial relationship
28 created by a court order pursuant to this chapter ~~s-~~
29 ~~39.41(2)(a)5~~.

30 (42)(33) "Long-term relative custody" or "long-term
31 custodial relationship" means the relationship that a juvenile

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 court order creates between a child and an adult relative of
2 the child or other caregiver ~~an adult nonrelative~~ approved by
3 the court when the child cannot be placed in the custody of a
4 natural parent and termination of parental rights is not
5 deemed to be in the best interest of the child. Long-term
6 relative custody confers upon the long-term relative or other
7 caregiver ~~nonrelative custodian~~ the right to physical custody
8 of the child, a right which will not be disturbed by the court
9 except upon request of the caregiver custodian or upon a
10 showing that a material change in circumstances necessitates a
11 change of custody for the best interest of the child. A
12 long-term relative or other caregiver ~~nonrelative custodian~~
13 shall have all of the rights and duties of a natural parent,
14 including, but not limited to, the right and duty to protect,
15 train, and discipline the child and to provide the child with
16 food, shelter, and education, and ordinary medical, dental,
17 psychiatric, and psychological care, unless these rights and
18 duties are otherwise enlarged or limited by the court order
19 establishing the long-term custodial relationship.

20 ~~(43)(34)~~ "Mediation" means a process whereby a neutral
21 third person called a mediator acts to encourage and
22 facilitate the resolution of a dispute between two or more
23 parties. It is an informal and nonadversarial process with
24 the objective of helping the disputing parties reach a
25 mutually acceptable and voluntary agreement. ~~In mediation,~~
26 ~~decisionmaking authority rests with the parties.~~ The role of
27 the mediator includes, but is not limited to, assisting the
28 parties in identifying issues, fostering joint problem
29 solving, and exploring settlement alternatives.

30 (44) "Mental injury" means an injury to the
31 intellectual or psychological capacity of a child as evidenced

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 by a discernible and substantial impairment in the ability to
2 function within the normal range of performance and behavior.

3 (45)(35) "Necessary medical treatment" means care
4 which is necessary within a reasonable degree of medical
5 certainty to prevent the deterioration of a child's condition
6 or to alleviate immediate pain of a child.

7 (46)(36) "Neglect" occurs when the parent or legal
8 custodian of a child or, in the absence of a parent or legal
9 custodian, the caregiver ~~person primarily responsible for the~~
10 ~~child's welfare~~ deprives a child of, or allows a child to be
11 deprived of, necessary food, clothing, shelter, or medical
12 treatment or permits a child to live in an environment when
13 such deprivation or environment causes the child's physical,
14 mental, or emotional health to be significantly impaired or to
15 be in danger of being significantly impaired. The foregoing
16 circumstances shall not be considered neglect if caused
17 primarily by financial inability unless actual services for
18 relief have been offered to and rejected by such person. A
19 parent, legal custodian, or caregiver ~~guardian~~ legitimately
20 practicing religious beliefs in accordance with a recognized
21 church or religious organization who thereby does not provide
22 specific medical treatment for a child shall not, for that
23 reason alone, be considered a negligent parent, legal
24 custodian, or caregiver ~~guardian~~; however, such an exception
25 does not preclude a court from ordering the following services
26 to be provided, when the health of the child so requires:

27 (a) Medical services from a licensed physician,
28 dentist, optometrist, podiatrist, or other qualified health
29 care provider; or

30 (b) Treatment by a duly accredited practitioner who
31 relies solely on spiritual means for healing in accordance

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 with the tenets and practices of a well-recognized church or
2 religious organization.

3

4 For the purpose of protective investigations, neglect of a
5 child includes the acts or omissions of the parent, legal
6 custodian, or caregiver.

7 (47) "Other person responsible for a child's welfare"
8 includes the child's legal guardian, legal custodian, or
9 foster parent; an employee of a private school, public or
10 private child day care center, residential home, institution,
11 facility, or agency; or any other person legally responsible
12 for the child's welfare in a residential setting; and also
13 includes an adult sitter or relative entrusted with a child's
14 care. For the purpose of departmental investigative
15 jurisdiction, this definition does not include law enforcement
16 officers, or employees of municipal or county detention
17 facilities or the Department of Corrections, while acting in
18 an official capacity.

19 (48)(37) "Next of kin" means an adult relative of a
20 child who is the child's brother, sister, grandparent, aunt,
21 uncle, or first cousin.

22 (49)(38) "Parent" means a woman who gives birth to a
23 child and a man whose consent to the adoption of the child
24 would be required under s. 63.062(1)(b). If a child has been
25 legally adopted, the term "parent" means the adoptive mother
26 or father of the child. The term does not include an
27 individual whose parental relationship to the child has been
28 legally terminated, or an alleged or prospective parent,
29 unless the parental status falls within the terms of ~~either s.~~
30 ~~39.4051(7) or s. 63.062(1)(b).~~

31 (50)(39) "Participant," for purposes of a shelter

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 proceeding, dependency proceeding, or termination of parental
2 rights proceeding, means any person who is not a party but who
3 should receive notice of hearings involving the child,
4 including foster parents or caregivers, identified prospective
5 parents, grandparents entitled to priority for adoption
6 consideration under s. 63.0425, actual custodians of the
7 child, and any other person whose participation may be in the
8 best interest of the child. Participants may be granted leave
9 by the court to be heard without the necessity of filing a
10 motion to intervene.

11 ~~(51)(40)~~ "Party," ~~for purposes of a shelter~~
12 ~~proceeding, dependency proceeding, or termination of parental~~
13 ~~rights proceeding,~~ means the parent or legal custodian of the
14 child, the petitioner, the department, the guardian ad litem
15 or the representative of the guardian ad litem program when
16 the program ~~one~~ has been appointed, and the child. The
17 presence of the child may be excused by order of the court
18 when presence would not be in the child's best interest.
19 Notice to the child may be excused by order of the court when
20 the age, capacity, or other condition of the child is such
21 that the notice would be meaningless or detrimental to the
22 child.

23 (52) "Physical injury" means death, permanent or
24 temporary disfigurement, or impairment of any bodily part.

25 (53) "Physician" means any licensed physician,
26 dentist, podiatrist, or optometrist and includes any intern or
27 resident.

28 ~~(54)(41)~~ "Preliminary screening" means the gathering
29 of preliminary information to be used in determining a child's
30 need for further evaluation or assessment or for referral for
31 other substance abuse services through means such as

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 psychosocial interviews; urine and breathalyzer screenings;
2 and reviews of available educational, delinquency, and
3 dependency records of the child.

4 ~~(55)(42)~~ "Preventive services" means social services
5 and other supportive and rehabilitative services provided to
6 the parent of the child, the legal custodian ~~guardian~~ of the
7 child, or the caregiver ~~custodian~~ of the child and to the
8 child for the purpose of averting the removal of the child
9 from the home or disruption of a family which will or could
10 result in the placement of a child in foster care. Social
11 services and other supportive and rehabilitative services
12 shall promote the child's need for physical, mental, and
13 emotional health and a safe, ~~continuous,~~ stable, living
14 environment, ~~and~~ shall promote family autonomy, ~~and~~ shall
15 strengthen family life, ~~as the first priority~~ whenever
16 possible.

17 ~~(56)(43)~~ "Prospective parent" means a person who
18 claims to be, or has been identified as, a person who may be a
19 mother or a father of a child.

20 ~~(57)(44)~~ "Protective investigation" means the
21 acceptance of a report alleging child abuse, abandonment, or
22 neglect, as defined in this chapter ~~s. 415.503~~, by the central
23 abuse hotline or the acceptance of a report of other
24 dependency by the department ~~local children, youth, and~~
25 ~~families office of the Department of Children and Family~~
26 ~~Services;~~ the investigation ~~and classification~~ of each report;
27 the determination of whether action by the court is warranted;
28 the determination of the disposition of each report without
29 court or public agency action when appropriate; and the
30 referral of a child to another public or private agency when
31 appropriate; ~~and the recommendation by the protective~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~investigator of court action when appropriate.~~

2 ~~(58)(45)~~ "Protective investigator" means an authorized
3 agent of the department ~~of Children and Family Services~~ who
4 receives ~~and~~, investigates, ~~and classifies~~ reports of child
5 abuse, ~~abandonment~~, or neglect ~~as defined in s. 415.503~~; who,
6 as a result of the investigation, may recommend that a
7 dependency petition be filed for the child ~~under the criteria~~
8 ~~of paragraph (11)(a)~~; and who performs other duties necessary
9 to carry out the required actions of the protective
10 investigation function.

11 ~~(59)(46)~~ "Protective supervision" means a legal status
12 in dependency cases, ~~child-in-need-of-services cases, or~~
13 ~~family-in-need-of-services cases~~ which permits the child to
14 remain safely in his or her own home or other placement under
15 the supervision of an agent of the department and which must
16 be reviewed by ~~Department of Juvenile Justice or the~~
17 ~~Department of Children and Family Services, subject to being~~
18 ~~returned to~~ the court during the period of supervision.

19 ~~(47)~~ "Protective supervision case plan" means a
20 document that is prepared by the protective supervision
21 counselor of the Department of Children and Family Services,
22 is based upon the voluntary protective supervision of a case
23 pursuant to s. 39.403(2)(b), or a disposition order entered
24 pursuant to s. 39.41(2)(a)3., and that:

25 ~~(a)~~ Is developed in conference with the parent,
26 guardian, or custodian of the child and, if appropriate, the
27 child and any court-appointed guardian ad litem.

28 ~~(b)~~ Is written simply and clearly in the principal
29 language, to the extent possible, of the parent, guardian, or
30 custodian of the child and in English.

31 ~~(c)~~ Is subject to modification based on changing

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~circumstances and negotiations among the parties to the plan~~
2 ~~and includes, at a minimum:~~

3 1. ~~All services and activities ordered by the court.~~

4 2. ~~Goals and specific activities to be achieved by all~~
5 ~~parties to the plan.~~

6 3. ~~Anticipated dates for achieving each goal and~~
7 ~~activity.~~

8 4. ~~Signatures of all parties to the plan.~~

9 ~~(d) Is submitted to the court in cases where a~~
10 ~~dispositional order has been entered pursuant to s.~~

11 ~~39.41(2)(a)3.~~

12 ~~(60)(48)~~ "Relative" means a grandparent,
13 great-grandparent, sibling, first cousin, aunt, uncle,
14 great-aunt, great-uncle, niece, or nephew, whether related by
15 the whole or half blood, by affinity, or by adoption. The term
16 does not include a stepparent.

17 ~~(61)(49)~~ "Reunification services" means social
18 services and other supportive and rehabilitative services
19 provided to the parent of the child, the legal custodian
20 guardian of the child, or the caregiver custodian of the
21 child, whichever is applicable, to the child, and where
22 appropriate to the foster parents of the child, for the
23 purpose of enabling a child who has been placed in out-of-home
24 foster care to safely return to his or her family at the
25 earliest possible time. The health and safety of the child
26 shall be the paramount goal of social services and other
27 supportive and rehabilitative services. Such services shall
28 promote the child's need for physical, mental, and emotional
29 health and a safe, ~~continuous~~, stable, living environment, and
30 shall promote family autonomy, and shall strengthen family
31 life, ~~as a first priority~~ whenever possible.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (62) "Secretary" means the Secretary of Children and
2 Family Services.

3 (63) "Sexual abuse of a child" means one or more of
4 the following acts:

5 (a) Any penetration, however slight, of the vagina or
6 anal opening of one person by the penis of another person,
7 whether or not there is the emission of semen.

8 (b) Any sexual contact between the genitals or anal
9 opening of one person and the mouth or tongue of another
10 person.

11 (c) Any intrusion by one person into the genitals or
12 anal opening of another person, including the use of any
13 object for this purpose, except that this does not include any
14 act intended for a valid medical purpose.

15 (d) The intentional touching of the genitals or
16 intimate parts, including the breasts, genital area, groin,
17 inner thighs, and buttocks, or the clothing covering them, of
18 either the child or the perpetrator, except that this does not
19 include:

20 1. Any act which may reasonably be construed to be a
21 normal caregiver responsibility, any interaction with, or
22 affection for a child; or

23 2. Any act intended for a valid medical purpose.

24 (e) The intentional masturbation of the perpetrator's
25 genitals in the presence of a child.

26 (f) The intentional exposure of the perpetrator's
27 genitals in the presence of a child, or any other sexual act
28 intentionally perpetrated in the presence of a child, if such
29 exposure or sexual act is for the purpose of sexual arousal or
30 gratification, aggression, degradation, or other similar
31 purpose.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (g) The sexual exploitation of a child, which includes
2 allowing, encouraging, or forcing a child to:

3 1. Solicit for or engage in prostitution; or

4 2. Engage in a sexual performance, as defined by
5 chapter 827.

6 ~~(64)(50) "Shelter" means a place for the temporary~~
7 ~~care of a child who is alleged to be or who has been found to~~
8 ~~be dependent, a child from a family in need of services, or a~~
9 ~~child in need of services, pending court disposition before or~~
10 ~~after adjudication, or after execution of a court order.~~

11 ~~"Shelter" may include a facility which provides 24-hour~~
12 ~~continual supervision for the temporary care of a child who is~~
13 ~~placed pursuant to s. 984.14.~~

14 ~~(65)(51) "Shelter hearing" means a hearing in which~~
15 ~~the court determines whether probable cause exists to keep a~~
16 ~~child in shelter status pending further investigation of the~~
17 ~~case provided for under s. 984.14 in~~
18 ~~family in need of services cases or child in need of services~~
19 ~~cases.~~

20 ~~(66)(52) "Social service agency" means the department~~
21 ~~of Children and Family Services, a licensed child-caring~~
22 ~~agency, or a licensed child-placing agency.~~

23 ~~(53) "Staff-secure shelter" means a facility in which~~
24 ~~a child is supervised 24 hours a day by staff members who are~~
25 ~~awake while on duty. The facility is for the temporary care~~
26 ~~and assessment of a child who has been found to be dependent,~~
27 ~~who has violated a court order and been found in contempt of~~
28 ~~court, or whom the Department of Children and Family Services~~
29 ~~is unable to properly assess or place for assistance within~~
30 ~~the continuum of services provided for dependent children.~~

31 ~~(67)(54) "Substance abuse" means using, without~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 medical reason, any psychoactive or mood-altering drug,
2 including alcohol, in such a manner as to induce impairment
3 resulting in dysfunctional social behavior.

4 ~~(68)(55)~~ "Substantial compliance" means that the
5 circumstances which caused the creation of the case plan
6 ~~placement in foster care~~ have been significantly remedied to
7 the extent that the well-being and safety of the child will
8 not be endangered upon the child's remaining with or being
9 returned to the child's parent, legal custodian, or caregiver
10 ~~or guardian~~.

11 ~~(69)(56)~~ "Taken into custody" means the status of a
12 child immediately when temporary physical control over the
13 child is attained by a person authorized by law, pending the
14 child's release or placement, detention, placement, or other
15 ~~disposition as authorized by law~~.

16 ~~(70)(57)~~ "Temporary legal custody" means the
17 relationship that a juvenile court creates between a child and
18 an adult relative of the child, legal custodian, or caregiver
19 ~~adult nonrelative~~ approved by the court, or other person until
20 a more permanent arrangement is ordered. Temporary legal
21 custody confers upon the custodian the right to have temporary
22 physical custody of the child and the right and duty to
23 protect, train, and discipline the child and to provide the
24 child with food, shelter, and education, and ordinary medical,
25 dental, psychiatric, and psychological care, unless these
26 rights and duties are otherwise enlarged or limited by the
27 court order establishing the temporary legal custody
28 relationship.

29 (71) "Victim" means any child who has sustained or is
30 threatened with physical, mental, or emotional injury
31 identified in a report involving child abuse, neglect, or

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 abandonment, or child-on-child sexual abuse.

2 Section 21. Section 39.455, Florida Statutes, is
3 renumbered as section 39.011, Florida Statutes, and amended to
4 read:

5 39.011 ~~39.455~~ Immunity from liability.--

6 (1) In no case shall employees or agents of the
7 department or a social service agency acting in good faith be
8 liable for damages as a result of failing to provide services
9 agreed to under the case plan ~~or permanent placement plan~~
10 unless the failure to provide such services occurs as a result
11 of bad faith or malicious purpose or occurs in a manner
12 exhibiting wanton and willful disregard of human rights,
13 safety, or property.

14 (2) The inability or failure of the department or of a
15 social service agency or the employees or agents of the social
16 service agency to provide the services agreed to under the
17 case plan ~~or permanent placement plan~~ shall not render the
18 state or the social service agency liable for damages unless
19 such failure to provide services occurs in a manner exhibiting
20 wanton or willful disregard of human rights, safety, or
21 property.

22 (3) A member or agent of a citizen review panel acting
23 in good faith is not liable for damages as a result of any
24 review or recommendation with regard to a foster care or
25 shelter care matter unless such member or agent exhibits
26 wanton and willful disregard of human rights or safety, or
27 property.

28 Section 22. Section 39.012, Florida Statutes, is
29 amended to read:

30 39.012 Rules for implementation.--The department ~~of~~
31 ~~Children and Family Services~~ shall adopt rules for the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 efficient and effective management of all programs, services,
2 facilities, and functions necessary for implementing this
3 chapter. Such rules may not conflict with the Florida Rules of
4 Juvenile Procedure. All rules and policies must conform to
5 accepted standards of care and treatment.

6 Section 23. Section 39.0121, Florida Statutes, is
7 created to read:

8 39.0121 Specific rulemaking authority.--Pursuant to
9 the requirements of s. 120.536, the department is specifically
10 authorized to adopt, amend, and repeal administrative rules
11 that implement or interpret law or policy, or describe the
12 procedure and practice requirements necessary to implement
13 this chapter, including, but not limited to, the following:

14 (1) Background screening of department employees and
15 applicants; criminal records checks of prospective foster and
16 adoptive parents; and drug testing of protective
17 investigators.

18 (2) Reporting of child abuse, neglect, and
19 abandonment; reporting of child-on-child sexual abuse; false
20 reporting; child protective investigations; taking a child
21 into protective custody; and shelter procedures.

22 (3) Confidentiality and retention of department
23 records; access to records; and record requests.

24 (4) Department and client trust funds.

25 (5) Child protection teams and services, and eligible
26 cases.

27 (6) Consent to and provision of medical care and
28 treatment for children in the care of the department.

29 (7) Federal funding requirements and procedures;
30 foster care and adoption subsidies; subsidized independent
31 living; and subsidized child care.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (8) Agreements with law enforcement and other state
 2 agencies; access to the National Crime Information Center
 3 (NCIC); and access to the parent locator service.

4 (9) Licensing, registration, and certification of
 5 child day care providers, shelter and foster homes, and
 6 residential child-caring and child-placing agencies.

7 (10) The Family Builders Program, the Intensive Crisis
 8 Counseling Program, and any other early-intervention programs
 9 and kinship care assistance programs.

10 (11) Department contracts, pilot programs, and
 11 demonstration projects.

12 (12) Legal and casework procedures, including, but not
 13 limited to, mediation, diligent search, stipulations,
 14 consents, surrenders, and default, with respect to dependency,
 15 termination of parental rights, adoption, guardianship, and
 16 kinship care proceedings.

17 (13) Legal and casework management of cases involving
 18 in-home supervision and out-of-home care, including judicial
 19 reviews, administrative reviews, case plans, and any other
 20 documentation or procedures required by federal or state law.

21 (14) Injunctions and other protective orders,
 22 domestic-violence-related cases, and certification of domestic
 23 violence centers.

24 Section 24. Section 39.40, Florida Statutes, is
 25 renumbered as section 39.013, Florida Statutes, and amended to
 26 read:

27 39.013 39.40 Procedures and jurisdiction; right to
 28 counsel.--

29 (1) All procedures, including petitions, pleadings,
 30 subpoenas, summonses, and hearings, in this chapter ~~dependency~~
 31 ~~cases~~ shall be according to the Florida Rules of Juvenile

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Procedure unless otherwise provided by law. Parents must be
2 informed by the court of their right to counsel in dependency
3 proceedings at each stage of the dependency proceedings.
4 Parents who are unable to afford counsel and who are
5 threatened with criminal charges based on the facts underlying
6 the dependency petition or a permanent loss of custody of
7 their children must be appointed counsel.

8 (2) The circuit court shall have exclusive original
9 jurisdiction of all proceedings under ~~parts III, IV, V, and VI~~
10 ~~of this chapter~~, of a child voluntarily placed with a licensed
11 child-caring agency, a licensed child-placing agency, or the
12 department, and of the adoption of children whose parental
13 rights have been terminated pursuant to this chapter.

14 Jurisdiction attaches when the initial shelter petition,
15 dependency petition, or termination of parental rights
16 petition is filed or when a child is taken into the custody of
17 the department. The circuit court may assume jurisdiction over
18 any such proceeding regardless of whether the child was in the
19 physical custody of both parents, was in the sole legal or
20 physical custody of only one parent, caregiver, or ~~of~~ some
21 other person, or was in the physical or legal custody of no
22 person when the event or condition occurred that brought the
23 child to the attention of the court. When the court obtains
24 jurisdiction of any child who has been found to be dependent
25 ~~is obtained~~, the court shall retain jurisdiction, unless
26 relinquished by its order, until the child reaches 18 years of
27 age.

28 (3) When a child is under the jurisdiction of the
29 circuit court pursuant to the provisions of this chapter, the
30 juvenile court, as a division of the circuit court, may
31 exercise the general and equitable jurisdiction over

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 guardianship proceedings pursuant to the provisions of chapter
2 744, and proceedings for temporary custody of minor children
3 by extended family pursuant to the provisions of chapter 751.

4 ~~(4)(3)~~ The court shall expedite the resolution of the
5 placement issue in cases involving a child who ~~under 4 years~~
6 ~~of age when the child~~ has been removed from the family and
7 placed in a shelter.

8 ~~(5)(4)~~ The court shall expedite the judicial handling
9 of all cases when the child has been removed from the family
10 and placed in a shelter, ~~and of all cases involving a child~~
11 ~~under 4 years of age.~~

12 ~~(6)(5)~~ ~~It is the intent of the Legislature that~~
13 Children removed from their homes shall be provided equal
14 treatment with respect to goals, objectives, services, and
15 case plans, without regard to the location of their
16 placement, ~~and that placement shall be in a safe environment~~
17 ~~where drugs and alcohol are not abused. It is the further~~
18 ~~intent of the Legislature that, when children are removed from~~
19 ~~their homes, disruption to their education be minimized to the~~
20 ~~extent possible.~~

21 (7) For any child who remains in the custody or under
22 the supervision of the department, the court shall, within the
23 6-month period before the child's 18th birthday, hold a
24 hearing to review the progress of the child while in the
25 custody or under the supervision of the department.

26 (8)(a) At each stage of the proceedings under this
27 chapter, the court shall advise the parent, legal custodian,
28 or caregiver of the right to counsel. The court shall appoint
29 counsel for indigent persons. The court shall ascertain
30 whether the right to counsel is understood. When right to
31 counsel is waived, the court shall determine whether the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 waiver is knowing and intelligent. The court shall enter its
2 findings in writing with respect to the appointment or waiver
3 of counsel for indigent parties or the waiver of counsel by
4 nonindigent parties.

5 (b) Once counsel has entered an appearance or been
6 appointed by the court to represent the parent of the child,
7 the attorney shall continue to represent the parent throughout
8 the proceedings. If the attorney-client relationship is
9 discontinued, the court shall advise the parent of the right
10 to have new counsel retained or appointed for the remainder of
11 the proceedings.

12 (c)1. No waiver of counsel may be accepted if it
13 appears that the parent, legal custodian, or caregiver is
14 unable to make an intelligent and understanding choice because
15 of mental condition, age, education, experience, the nature or
16 complexity of the case, or other factors.

17 2. A waiver of counsel made in court must be of
18 record.

19 3. If a waiver of counsel is accepted at any hearing
20 or proceeding, the offer of assistance of counsel must be
21 renewed by the court at each subsequent stage of the
22 proceedings at which the parent, legal custodian, or caregiver
23 appears without counsel.

24 (d) This subsection does not apply to any parent who
25 has voluntarily executed a written surrender of the child and
26 consents to the entry of a court order terminating parental
27 rights.

28 (9) The time limitations in this chapter do not
29 include:

30 (a) Periods of delay resulting from a continuance
31 granted at the request or with the consent of the child's

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 counsel or the child's guardian ad litem, if one has been
2 appointed by the court, or, if the child is of sufficient
3 capacity to express reasonable consent, at the request or with
4 the consent of the child.

5 (b) Periods of delay resulting from a continuance
6 granted at the request of the attorney for the department, if
7 the continuance is granted:

8 1. Because of an unavailability of evidence material
9 to the case when the attorney for the department has exercised
10 due diligence to obtain such evidence and there are
11 substantial grounds for believing that such evidence will be
12 available within 30 days. However, if the department is not
13 prepared to present its case within 30 days, the parent or
14 guardian may move for issuance of an order to show cause or
15 the court on its own motion may impose appropriate sanctions,
16 which may include dismissal of the petition.

17 2. To allow the attorney for the department additional
18 time to prepare the case and additional time is justified
19 because of an exceptional circumstance.

20 (c) Reasonable periods of delay necessary to
21 accomplish notice of the hearing to the child's parents;
22 however, the petitioner shall continue regular efforts to
23 provide notice to the parents during such periods of delay.

24 (d) Reasonable periods of delay resulting from a
25 continuance granted at the request of the parent or legal
26 custodian of a subject child.

27 (10) Court-appointed counsel representing indigent
28 parents or legal guardians at shelter hearings shall be paid
29 from state funds appropriated by general law.

30 Section 25. Section 39.4057, Florida Statutes, is
31 renumbered as section 39.0131, Florida Statutes.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 26. Section 39.411, Florida Statutes, is
2 renumbered as section 39.0132, Florida Statutes, and amended
3 to read:

4 39.0132 ~~39.411~~ Oaths, records, and confidential
5 information.--

6 (1) The judge, clerks or deputy clerks, or authorized
7 agents of the department shall each have the power to
8 administer oaths and affirmations.

9 (2) The court shall make and keep records of all cases
10 brought before it pursuant to this chapter and shall preserve
11 the records pertaining to a dependent child until 10 years
12 after the last entry was made, or until the child is 18 years
13 of age, whichever date is first reached, and may then destroy
14 them, except that records of cases where orders were entered
15 permanently depriving a parent of the custody of a juvenile
16 shall be preserved permanently. The court shall make official
17 records, consisting of all petitions and orders filed in a
18 case arising pursuant to this part and any other pleadings,
19 certificates, proofs of publication, summonses, warrants, and
20 other writs which may be filed therein.

21 (3) The clerk shall keep all court records required by
22 this part separate from other records of the circuit court.
23 All court records required by this part shall not be open to
24 inspection by the public. All records shall be inspected only
25 upon order of the court by persons deemed by the court to have
26 a proper interest therein, except that, subject to the
27 provisions of s. 63.162, a child and the parents, ~~or~~ legal
28 custodians, or caregivers of the child and their attorneys,
29 guardian ad litem, law enforcement agencies, and the
30 department and its designees shall always have the right to
31 inspect and copy any official record pertaining to the child.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 The court may permit authorized representatives of recognized
2 organizations compiling statistics for proper purposes to
3 inspect and make abstracts from official records, under
4 whatever conditions upon their use and disposition the court
5 may deem proper, and may punish by contempt proceedings any
6 violation of those conditions.

7 (4) All information obtained pursuant to this part in
8 the discharge of official duty by any judge, employee of the
9 court, authorized agent of the department, correctional
10 probation officer, or law enforcement agent shall be
11 confidential and exempt from the provisions of s. 119.07(1)
12 and shall not be disclosed to anyone other than the authorized
13 personnel of the court, the department and its designees,
14 correctional probation officers, law enforcement agents,
15 guardian ad litem, and others entitled under this chapter to
16 receive that information, except upon order of the court.

17 (5) All orders of the court entered pursuant to this
18 chapter shall be in writing and signed by the judge, except
19 that the clerk or deputy clerk may sign a summons or notice to
20 appear.

21 (6) No court record of proceedings under this chapter
22 shall be admissible in evidence in any other civil or criminal
23 proceeding, except that:

24 (a) Orders permanently terminating the rights of a
25 parent and committing the child to a licensed child-placing
26 agency or the department for adoption shall be admissible in
27 evidence in subsequent adoption proceedings relating to the
28 child.

29 (b) Records of proceedings under this part forming a
30 part of the record on appeal shall be used in the appellate
31 court in the manner hereinafter provided.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (c) Records necessary therefor shall be admissible in
2 evidence in any case in which a person is being tried upon a
3 charge of having committed perjury.

4 (d) Records of proceedings under this part may be used
5 to prove disqualification pursuant to s. 435.06 and for proof
6 regarding such disqualification in a chapter 120 proceeding.

7 Section 27. Section 39.414, Florida Statutes, is
8 renumbered as section 39.0133, Florida Statutes.

9 Section 28. Section 39.415, Florida Statutes, is
10 renumbered as section 39.0134, Florida Statutes, and amended
11 to read:

12 39.0134 ~~39.415~~ Appointed counsel; compensation.--

13 (1) If counsel is entitled to receive compensation for
14 representation pursuant to a court appointment in a dependency
15 proceeding pursuant to this chapter, such compensation shall
16 be established by each county not exceed \$1,000 at the trial
17 level and \$2,500 at the appellate level.

18 (2) If counsel is entitled to receive compensation for
19 representation pursuant to court appointment in a termination
20 of parental rights proceeding, such compensation shall not
21 exceed \$1,000 at the trial level and \$2,500 at the appellate
22 level.

23 Section 29. Section 39.418, Florida Statutes, is
24 renumbered as section 39.0135, Florida Statutes, and amended
25 to read:

26 39.0135 ~~39.418~~ Operations and Maintenance Trust
27 Fund.--~~Effective July 1, 1996, The department of Children and~~
28 ~~Family Services~~ shall deposit all child support payments made
29 to the department pursuant to this chapter s. 39.41(2) into
30 the Operations and Maintenance Trust Fund. The purpose of
31 this funding is to care for children who are committed to the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 temporary legal custody of the department ~~pursuant to s.~~
2 ~~39.41(2)(a)8.~~

3 Section 30. Part II of chapter 39, Florida Statutes,
4 consisting of sections 39.201, 39.202, 39.203, 39.204, 39.205,
5 and 39.206, Florida Statutes, shall be entitled to read:

6 PART II

7 REPORTING CHILD ABUSE

8 Section 31. Section 415.504, Florida Statutes, is
9 renumbered as section 39.201, Florida Statutes, and amended to
10 read:

11 39.201 ~~415.504~~ Mandatory reports of child abuse,
12 abandonment, or neglect; mandatory reports of death; central
13 abuse hotline.--

14 (1) Any person, including, but not limited to, any:

15 (a) Physician, osteopathic physician, medical
16 examiner, chiropractor, nurse, or hospital personnel engaged
17 in the admission, examination, care, or treatment of persons;

18 (b) Health or mental health professional other than
19 one listed in paragraph (a);

20 (c) Practitioner who relies solely on spiritual means
21 for healing;

22 (d) School teacher or other school official or
23 personnel;

24 (e) Social worker, day care center worker, or other
25 professional child care, foster care, residential, or
26 institutional worker; or

27 (f) Law enforcement officer,

28

29 who knows, or has reasonable cause to suspect, that a child is
30 an abused, abandoned, or neglected child shall report such
31 knowledge or suspicion to the department in the manner

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 prescribed in subsection (2).

2 (2)(a) Each report of known or suspected child abuse,
3 abandonment, or neglect pursuant to this section, except those
4 solely under s. 827.04(3)(4), shall be made immediately to the
5 department's central abuse hotline on the single statewide
6 toll-free telephone number, and, if the report is of an
7 instance of known or suspected child abuse by a noncaretaker,
8 the call shall be immediately electronically transferred to
9 the appropriate county sheriff's office by the central abuse
10 hotline. If the report is of an instance of known or
11 suspected child abuse involving impregnation of a child under
12 16 years of age by a person 21 years of age or older solely
13 under s. 827.04(3)(4), the report shall be made immediately to
14 the appropriate county sheriff's office or other appropriate
15 law enforcement agency. If the report is of an instance of
16 known or suspected child abuse solely under s. 827.04(3)(4),
17 the reporting provisions of this subsection do not apply to
18 health care professionals or other persons who provide medical
19 or counseling services to pregnant children when such
20 reporting would interfere with the provision of medical
21 services.

22 (b) Reporters in occupation categories designated in
23 subsection (1) are required to provide their names to the
24 hotline staff. The names of reporters shall be entered into
25 the record of the report, but shall be held confidential as
26 provided in s. 39.202 ~~415.51~~.

27 (c) Reports involving known or suspected institutional
28 child abuse or neglect shall be made and received in the same
29 manner as all other reports made pursuant to this section.

30 (d) Reports involving a known or suspected juvenile
31 sexual offender shall be made and received by the department.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 1. The department shall determine the age of the
2 alleged juvenile sexual offender if known.

3 2. When the alleged juvenile sexual offender is 12
4 years of age or younger, the department shall proceed with an
5 investigation of the report pursuant to this part ~~FF~~,
6 immediately electronically transfer the call to the
7 appropriate law enforcement agency office by the central abuse
8 hotline, and send a written report of the allegation to the
9 appropriate county sheriff's office within 48 hours after the
10 initial report is made to the central abuse hotline.

11 3. When the alleged juvenile sexual offender is 13
12 years of age or older, the department shall immediately
13 electronically transfer the call to the appropriate county
14 sheriff's office by the central abuse hotline, and send a
15 written report to the appropriate county sheriff's office
16 within 48 hours after the initial report to the central abuse
17 hotline.

18 (e) Hotline counselors shall receive periodic training
19 in encouraging reporters to provide their names when reporting
20 abuse, abandonment, or neglect. Callers shall be advised of
21 the confidentiality provisions of s. 39.202 ~~415.51~~. The
22 department shall secure and install electronic equipment that
23 automatically provides to the hotline the number from which
24 the call is placed. This number shall be entered into the
25 report of abuse, abandonment, or neglect and become a part of
26 the record of the report, but shall enjoy the same
27 confidentiality as provided to the identity of the caller
28 pursuant to s. 39.202 ~~415.51~~.

29 (3) Any person required to report or investigate cases
30 of suspected child abuse, abandonment, or neglect who has
31 reasonable cause to suspect that a child died as a result of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 child abuse, abandonment, or neglect shall report his or her
2 suspicion to the appropriate medical examiner. The medical
3 examiner shall accept the report for investigation ~~pursuant to~~
4 ~~s. 406.11~~ and shall report his or her findings, in writing, to
5 the local law enforcement agency, the appropriate state
6 attorney, and the department. Autopsy reports maintained by
7 the medical examiner are not subject to the confidentiality
8 requirements provided for in s. 39.202 ~~415.51~~.

9 (4)~~(a)~~ The department shall establish and maintain a
10 central abuse hotline to receive all reports made pursuant to
11 this section in writing or through a single statewide
12 toll-free telephone number, which any person may use to report
13 known or suspected child abuse, abandonment, or neglect at any
14 hour of the day or night, any day of the week. The central
15 abuse hotline shall be operated in such a manner as to enable
16 the department to:

17 (a)~~1~~. Immediately identify and locate prior reports or
18 cases of child abuse, abandonment, or neglect through
19 utilization of the department's automated tracking system.

20 (b)~~2~~. Monitor and evaluate the effectiveness of the
21 department's program for reporting and investigating suspected
22 abuse, abandonment, or neglect of children through the
23 development and analysis of statistical and other information.

24 (c)~~3~~. Track critical steps in the investigative
25 process to ensure compliance with all requirements for any
26 report of abuse, abandonment, or neglect.

27 (d)~~4~~. Maintain and produce aggregate statistical
28 reports monitoring patterns of ~~both~~ child abuse, child
29 abandonment, and child neglect. The department shall collect
30 and analyze child-on-child sexual abuse reports and include
31 the information in aggregate statistical reports.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~(e)5.~~ Serve as a resource for the evaluation,
2 management, and planning of preventive and remedial services
3 for children who have been subject to abuse, abandonment, or
4 neglect.

5 ~~(f)6.~~ Initiate and enter into agreements with other
6 states for the purpose of gathering and sharing information
7 contained in reports on child maltreatment to further enhance
8 programs for the protection of children.

9 ~~(b)~~ Upon receiving an oral or written report of known
10 or suspected child abuse or neglect, the central abuse hotline
11 shall determine if the report requires an immediate onsite
12 protective investigation. For reports requiring an immediate
13 onsite protective investigation, the central abuse hotline
14 shall immediately notify the department's designated children
15 and families district staff responsible for protective
16 investigations to ensure that an onsite investigation is
17 promptly initiated. For reports not requiring an immediate
18 onsite protective investigation, the central abuse hotline
19 shall notify the department's designated children and families
20 district staff responsible for protective investigations in
21 sufficient time to allow for an investigation, or if the
22 district determines appropriate, a family services response
23 system approach to be commenced within 24 hours. When a
24 district decides to respond to a report of child abuse or
25 neglect with a family services response system approach, the
26 provisions of part III apply. If, in the course of assessing
27 risk and services or at any other appropriate time,
28 responsible district staff determines that the risk to the
29 child requires a child protective investigation, then the
30 department shall suspend its family services response system
31 activities and shall proceed with an investigation as

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~delineated in this part. At the time of notification of~~
2 ~~district staff with respect to the report, the central abuse~~
3 ~~hotline shall also provide information on any previous report~~
4 ~~concerning a subject of the present report or any pertinent~~
5 ~~information relative to the present report or any noted~~
6 ~~earlier reports.~~

7 ~~(c) Upon commencing an investigation under this part,~~
8 ~~the child protective investigator shall inform any subject of~~
9 ~~the investigation of the following:~~

10 ~~1. The names of the investigators and identifying~~
11 ~~credentials from the department.~~

12 ~~2. The purpose of the investigation.~~

13 ~~3. The right to obtain his or her own attorney and~~
14 ~~ways that the information provided by the subject may be used.~~

15 ~~(d) The department shall make and keep records of all~~
16 ~~cases brought before it pursuant to this part and shall~~
17 ~~preserve the records pertaining to a child and family until 7~~
18 ~~years after the last entry was made or until the child is 18~~
19 ~~years of age. The department shall then destroy the records,~~
20 ~~except where the child has been placed under the protective~~
21 ~~supervision of the department, the court has made a finding of~~
22 ~~dependency, or a criminal conviction has resulted from the~~
23 ~~facts associated with the report and there is a likelihood~~
24 ~~that future services of the department may be required.~~

25 (5) The department shall be capable of receiving and
26 investigating reports of known or suspected child abuse,
27 abandonment, or neglect 24 hours a day, 7 days a week. If it
28 appears that the immediate safety or well-being of a child is
29 endangered, that the family may flee or the child will be
30 unavailable for purposes of conducting a child protective
31 investigation, or that the facts otherwise so warrant, the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 department shall commence an investigation immediately,
2 regardless of the time of day or night. In all other child
3 abuse, abandonment, or neglect cases, a child protective
4 investigation shall be commenced within 24 hours after receipt
5 of the report. In an institutional investigation, the alleged
6 perpetrator may be represented by an attorney, at his or her
7 own expense, or accompanied by another person, if the person
8 or the attorney executes an affidavit of understanding with
9 the department and agrees to comply with the confidentiality
10 provisions of s. 39.202. The absence of an attorney or other
11 person does not prevent the department from proceeding with
12 other aspects of the investigation, including interviews with
13 other persons. In institutional child abuse cases when the
14 institution is not operating and the child cannot otherwise be
15 located, the investigation shall commence immediately upon the
16 resumption of operation. If requested by a state attorney or
17 local law enforcement agency, the department shall furnish all
18 investigative reports to that agency.

19 (6)(e) Information in the central abuse hotline may
20 not be used for employment screening except as provided in s.
21 39.202(2)(a) and (h). Information in the central abuse hotline
22 and the department's automated abuse information system may be
23 used by the department, its authorized agents or contract
24 providers, the Department of Health, or county agencies as
25 part of the licensure or registration process pursuant to ss.
26 402.301-402.319 and ss. 409.175-409.176. Access to the
27 information shall only be granted as set forth in s. 415.51.

28 (7)(5) This section does not require a professional
29 who is hired by or enters into a contract with the department
30 for the purpose of treating or counseling any person, as a
31 result of a report of child abuse, abandonment, or neglect, to

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 again report to the central abuse hotline the abuse,
2 abandonment, or neglect that was the subject of the referral
3 for treatment.

4 Section 32. Section 415.511, Florida Statutes, is
5 renumbered as section 39.203, Florida Statutes, and amended to
6 read:

7 39.203 ~~415.511~~ Immunity from liability in cases of
8 child abuse, abandonment, or neglect.--

9 (1)(a) Any person, official, or institution
10 participating in good faith in any act authorized or required
11 by this chapter ~~ss. 415.502-415.514~~, or reporting in good
12 faith any instance of child abuse, abandonment, or neglect to
13 any law enforcement agency, shall be immune from any civil or
14 criminal liability which might otherwise result by reason of
15 such action.

16 (b) Except as provided in this chapter ~~s.~~
17 ~~415.503(10)(f)~~, nothing contained in this section shall be
18 deemed to grant immunity, civil or criminal, to any person
19 suspected of having abused, abandoned, or neglected a child,
20 or committed any illegal act upon or against a child.

21 (2)(a) No resident or employee of a facility serving
22 children may be subjected to reprisal or discharge because of
23 his or her actions in reporting abuse, abandonment, or neglect
24 pursuant to the requirements of this section.

25 (b) Any person making a report under this section
26 shall have a civil cause of action for appropriate
27 compensatory and punitive damages against any person who
28 causes detrimental changes in the employment status of such
29 reporting party by reason of his or her making such report.
30 Any detrimental change made in the residency or employment
31 status of such person, including, but not limited to,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 discharge, termination, demotion, transfer, or reduction in
2 pay or benefits or work privileges, or negative evaluations
3 within a prescribed period of time shall establish a
4 rebuttable presumption that such action was retaliatory.

5 Section 33. Section 415.512, Florida Statutes, is
6 renumbered as section 39.204, Florida Statutes, and amended to
7 read:

8 39.204 ~~415.512~~ Abrogation of privileged communications
9 in cases involving child abuse, abandonment, or neglect.--The
10 privileged quality of communication between husband and wife
11 and between any professional person and his or her patient or
12 client, and any other privileged communication except that
13 between attorney and client or the privilege provided in s.
14 90.505, as such communication relates both to the competency
15 of the witness and to the exclusion of confidential
16 communications, shall not apply to any communication involving
17 the perpetrator or alleged perpetrator in any situation
18 involving known or suspected child abuse, abandonment, or
19 neglect and shall not constitute grounds for failure to report
20 as required by s. 39.201 ~~415.504~~ regardless of the source of
21 the information requiring the report, failure to cooperate
22 with the department in its activities pursuant to this chapter
23 ~~ss. 415.502-415.514~~, or failure to give evidence in any
24 judicial proceeding relating to child abuse, abandonment, or
25 neglect.

26 Section 34. Section 415.513, Florida Statutes, is
27 renumbered as section 39.205, Florida Statutes, and amended to
28 read:

29 39.205 ~~415.513~~ Penalties relating to ~~abuse~~ reporting
30 of child abuse, abandonment, or neglect.--

31 (1) A person who is required by ~~s. 415.504~~ to report

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 known or suspected child abuse, abandonment, or neglect and
2 who knowingly and willfully fails to do so, or who knowingly
3 and willfully prevents another person from doing so, is guilty
4 of a misdemeanor of the second degree, punishable as provided
5 in s. 775.082 or s. 775.083.

6 (2) A person who knowingly and willfully makes public
7 or discloses any confidential information contained in the
8 central abuse hotline registry and tracking system or in the
9 records of any child abuse, abandonment, or neglect case,
10 except as provided in this chapter ss. 415.502-415.514, is
11 guilty of a misdemeanor of the second degree, punishable as
12 provided in s. 775.082 or s. 775.083.

13 (3) The department shall establish procedures for
14 determining whether a false report of child abuse,
15 abandonment, or neglect has been made and for submitting all
16 identifying information relating to such a report to the
17 appropriate law enforcement agency and shall report annually
18 to the Legislature the number of reports referred the state
19 attorney for prosecution.

20 (4) If the department or its authorized agent has
21 determined after its investigation that a report is false, the
22 department shall, with the consent of the alleged perpetrator,
23 refer the report to the local law enforcement agency having
24 jurisdiction of an investigation to determine whether
25 sufficient evidence exists to refer the case for prosecution
26 for filing a false report as defined in s. 39.01(27). During
27 the pendency of the investigation by the local law enforcement
28 agency, the department must notify the local law enforcement
29 agency of, and the local law enforcement agency must respond
30 to, all subsequent reports concerning children in that same
31 family in accordance with s. 39.301. If the law enforcement

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 agency believes that there are indicators of abuse or neglect,
 2 it must immediately notify the department, which must assure
 3 the safety of the children. If the law enforcement agency
 4 finds sufficient evidence for prosecution for filing a false
 5 report, it must refer the case to the appropriate state
 6 attorney for prosecution.

7 ~~(5)(4)~~ A person who knowingly and willfully makes a
 8 false report of child abuse or neglect, or who advises another
 9 to make a false report, is guilty of a felony of the third
 10 ~~misdemeanor of the second~~ degree, punishable as provided in s.
 11 775.082 or s. 775.083. Anyone making a report who is acting in
 12 good faith is immune from any liability under this subsection.

13 ~~(6)(5)~~ Each state attorney shall establish written
 14 procedures to facilitate the prosecution of persons under this
 15 section, and shall report to the Legislature annually the
 16 number of complaints that have resulted in the filing of an
 17 information or indictment and the disposition of those
 18 complaints under this section.

19 Section 35. Section 415.5131, Florida Statutes, is
 20 renumbered as section 39.206, Florida Statutes, and amended to
 21 read:

22 39.206 ~~415.5131~~ Administrative fines for false report
 23 of abuse, abandonment, or neglect of a child.--

24 (1) In addition to any other penalty authorized by
 25 this section, chapter 120, or other law, the department may
 26 impose a fine, not to exceed ~~\$10,000~~ \$1,000 for each
 27 violation, upon a person who knowingly and willfully makes a
 28 false report of abuse, abandonment, or neglect of a child, or
 29 a person who counsels another to make a false report.

30 (2) If the department alleges that a person has filed
 31 a false report with the central abuse hotline registry and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~tracking system~~, the department must file a Notice of Intent
2 which alleges the name, age, and address of the individual,
3 the facts constituting the allegation that the individual made
4 a false report, and the administrative fine the department
5 proposes to impose on the person. Each time that a false
6 report is made constitutes a separate violation.

7 (3) The Notice of Intent to impose the administrative
8 fine must be served upon the person alleged to have filed the
9 false report and the person's legal counsel, if any. Such
10 Notice of Intent must be given by certified mail, return
11 receipt requested.

12 (4) Any person alleged to have filed the false report
13 is entitled to an administrative hearing, pursuant to chapter
14 120, before the imposition of the fine becomes final. The
15 person must request an administrative hearing within 60 days
16 after receipt of the Notice of Intent by filing a request with
17 the department. Failure to request an administrative hearing
18 within 60 days after receipt of the Notice of Intent
19 constitutes a waiver of the right to a hearing, making the
20 administrative fine final.

21 (5) At the hearing, the department must prove by clear
22 and convincing evidence that the person filed a false report
23 with the central abuse ~~hotline registry and tracking system~~.
24 The court shall advise any person against whom a fine may be
25 imposed of that person's right to be represented by counsel at
26 the hearing.

27 (6) In determining the amount of fine to be imposed,
28 if any, the following factors shall be considered:

29 (a) The gravity of the violation, including the
30 probability that serious physical or emotional harm to any
31 person will result or has resulted, the severity of the actual

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 or potential harm, and the nature of the false allegation.

2 (b) Actions taken by the false reporter to retract the
3 false report as an element of mitigation, or, in contrast, to
4 encourage an investigation on the basis of false information.

5 (c) Any previous false reports filed by the same
6 individual.

7 (7) A decision by the department, following the
8 administrative hearing, to impose an administrative fine for
9 filing a false report constitutes final agency action within
10 the meaning of chapter 120. Notice of the imposition of the
11 administrative fine must be served upon the person and the
12 person's legal counsel, by certified mail, return receipt
13 requested, and must state that the person may seek judicial
14 review of the administrative fine pursuant to s. 120.68.

15 (8) All amounts collected under this section shall be
16 deposited into an appropriate trust fund of the department.

17 (9) A person who is determined to have filed a false
18 report of abuse, abandonment, or neglect is not entitled to
19 confidentiality. Subsequent to the conclusion of all
20 administrative or other judicial proceedings concerning the
21 filing of a false report, the name of the false reporter and
22 the nature of the false report shall be made public, pursuant
23 to s. 119.01(1). Such information shall be admissible in any
24 civil or criminal proceeding.

25 (10) Any person making a report who is acting in good
26 faith is immune from any liability under this section and
27 shall continue to be entitled to have the confidentiality of
28 their identity maintained.

29 Section 36. Part III of chapter 39, Florida Statutes,
30 consisting of sections 39.301, 39.302, 39.303, 39.3035,
31 39.304, 39.305, 39.306, and 39.307, Florida Statutes, shall be

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 entitled to read:

2 PART III

3 PROTECTIVE INVESTIGATIONS

4 Section 37. Section 39.301, Florida Statutes, is
5 created to read:

6 39.301 Initiation of protective investigations.--

7 (1) Upon receiving an oral or written report of known
8 or suspected child abuse, abandonment, or neglect, the central
9 abuse hotline shall determine if the report requires an
10 immediate onsite protective investigation. For reports
11 requiring an immediate onsite protective investigation, the
12 central abuse hotline shall immediately notify the
13 department's designated children and families district staff
14 responsible for protective investigations to ensure that an
15 onsite investigation is promptly initiated. For reports not
16 requiring an immediate onsite protective investigation, the
17 central abuse hotline shall notify the department's designated
18 children and families district staff responsible for
19 protective investigations in sufficient time to allow for an
20 investigation. At the time of notification of district staff
21 with respect to the report, the central abuse hotline shall
22 also provide information on any previous report concerning a
23 subject of the present report or any pertinent information
24 relative to the present report or any noted earlier reports.

25 (2)(a) Upon commencing an investigation under this
26 part, the child protective investigator shall inform any
27 subject of the investigation of the following:

- 28 1. The names of the investigators and identifying
29 credentials from the department.
30 2. The purpose of the investigation.
31 3. The right to obtain his or her own attorney and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ways that the information provided by the subject may be used.

2 4. The possible outcomes and services of the
3 department's response shall be explained to the caregiver.

4 5. The right of the parent, legal custodian, or
5 caregiver to be involved to the fullest extent possible in
6 determining the nature of the allegation and the nature of any
7 identified problem.

8 (b) The department's training program shall ensure
9 that protective investigators know how to fully inform
10 parents, guardians, and caregivers of their rights and
11 options, including opportunities for audio or video recording
12 of investigators' interviews with parents, guardians,
13 caretakers, or children.

14 (3) An assessment of risk and the perceived needs of
15 the child and family shall be conducted in a manner that is
16 sensitive to the social, economic, and cultural environment of
17 the family.

18 (4) Protective investigations shall be performed by
19 the department or its agent.

20 (5) The person responsible for the investigation shall
21 make a preliminary determination as to whether the report or
22 complaint is complete, consulting with the attorney for the
23 department when necessary. In any case in which the person
24 responsible for the investigation finds that the report or
25 complaint is incomplete, he or she shall return it without
26 delay to the person or agency originating the report or
27 complaint or having knowledge of the facts, or to the
28 appropriate law enforcement agency having investigative
29 jurisdiction, and request additional information in order to
30 complete the report or complaint; however, the confidentiality
31 of any report filed in accordance with this chapter shall not

Bill No. HB 1019, 2nd Eng.

Amendment No.

1 be violated.

2 (a) If it is determined that the report or complaint
3 is complete, after determining that such action would be in
4 the best interests of the child, the attorney for the
5 department shall file a petition for dependency.

6 (b) If it is determined that the report or complaint
7 is complete, but the interests of the child and the public
8 will be best served by providing the child care or other
9 treatment voluntarily accepted by the child and the parents,
10 caregivers, or legal custodians, the protective investigator
11 may refer the child for such care or other treatment.

12 (c) If the person conducting the investigation refuses
13 to request that the attorney for the department file a
14 petition for dependency, the complainant shall be advised of
15 the right to file a petition pursuant to this part.

16 (6) For each report it receives, the department shall
17 perform an onsite child protective investigation to:

18 (a) Determine the composition of the family or
19 household, including the name, address, date of birth, social
20 security number, sex, and race of each child named in the
21 report; any siblings or other children in the same household
22 or in the care of the same adults; the parents, legal
23 custodians, or caregivers; and any other adults in the same
24 household.

25 (b) Determine whether there is indication that any
26 child in the family or household has been abused, abandoned,
27 or neglected; the nature and extent of present or prior
28 injuries, abuse, or neglect, and any evidence thereof; and a
29 determination as to the person or persons apparently
30 responsible for the abuse, abandonment, or neglect, including
31 the name, address, date of birth, social security number, sex,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 and race of each such person.

2 (c) Determine the immediate and long-term risk to each
3 child by conducting state and federal records checks on the
4 parents, legal custodians, or caregivers, and any other
5 persons in the same household. This information shall be used
6 solely for purposes supporting the detection, apprehension,
7 prosecution, pretrial release, post-trial release, or
8 rehabilitation of criminal offenders or persons accused of the
9 crimes of child abuse, abandonment, or neglect and shall not
10 be further disseminated or used for any other purpose. The
11 department's child protection investigators are hereby
12 designated a criminal justice agency for the purpose of
13 accessing criminal justice information to be used for
14 enforcing this state's laws concerning the crimes of child
15 abuse, abandonment, and neglect.

16 (d) Determine the immediate and long-term risk to each
17 child through utilization of standardized risk-assessment
18 instruments.

19 (e) Based on the information obtained from the
20 caregiver, complete the risk-assessment instrument within 48
21 hours after the initial contact and, if needed, develop a case
22 plan.

23 (f) Determine the protective, treatment, and
24 ameliorative services necessary to safeguard and ensure the
25 child's safety and well-being and development, and cause the
26 delivery of those services through the early intervention of
27 the department or its agent.

28 (7) If the department or its agent is denied
29 reasonable access to a child by the parents, legal custodians,
30 or caregivers and the department deems that the best interests
31 of the child so require, it shall seek an appropriate court

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 order or other legal authority prior to examining and
2 interviewing the child. The department must show cause to the
3 court that it is necessary to examine and interview the child.
4 If the department interviews a child, the interview must be
5 audio recorded or videotaped, unless the court orders
6 otherwise for good cause. The court shall consider the best
7 interests and safety of the child in making such a
8 determination. If the department interviews a child, the
9 interview must be audio recorded or videotaped.

10 (8) If the department or its agent determines that a
11 child requires immediate or long-term protection through:

12 (a) Medical or other health care;
13 (b) Homemaker care, day care, protective supervision,
14 or other services to stabilize the home environment, including
15 intensive family preservation services through the Family
16 Builders Program, the Intensive Crisis Counseling Program, or
17 both; or

18 (c) Foster care, shelter care, or other substitute
19 care to remove the child from the custody of the parents,
20 legal guardians, or caregivers,

21

22 such services shall first be offered for voluntary acceptance
23 unless there are high-risk factors that may impact the ability
24 of the parents, legal guardians, or caregivers to exercise
25 judgment. Such factors may include the parents', legal
26 guardians', or caregivers' young age or history of substance
27 abuse or domestic violence. The parents, legal custodians, or
28 caregivers shall be informed of the right to refuse services,
29 as well as the responsibility of the department to protect the
30 child regardless of the acceptance or refusal of services. If
31 the services are refused and the department deems that the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 child's need for protection so requires, the department shall
2 take the child into protective custody or petition the court
3 as provided in this chapter.

4 (9) When a child is taken into custody pursuant to
5 this section, the authorized agent of the department shall
6 request that the child's parent, caregiver, or legal custodian
7 disclose the names, relationships, and addresses of all
8 parents and prospective parents and all next of kin, so far as
9 are known.

10 (10) No later than 30 days after receiving the initial
11 report, the local office of the department shall complete its
12 investigation.

13 (11) Immediately upon receipt of a report alleging, or
14 immediately upon learning during the course of an
15 investigation, that:

16 (a) The immediate safety or well-being of a child is
17 endangered;

18 (b) The family is likely to flee;

19 (c) A child has died as a result of abuse,
20 abandonment, or neglect;

21 (d) A child is a victim of aggravated child abuse as
22 defined in s. 827.03; or

23 (e) A child is a victim of sexual battery or of sexual
24 abuse,

25
26 the department shall orally notify the jurisdictionally
27 responsible state attorney and county sheriff's office or
28 local police department and, as soon as practicable, transmit
29 the report to those agencies. The law enforcement agency
30 shall review the report and determine whether a criminal
31 investigation needs to be conducted and shall assume lead

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 responsibility for all criminal fact-finding activities. A
2 criminal investigation shall be coordinated, whenever
3 possible, with the child protective investigation of the
4 department. Any interested person who has information
5 regarding an offense described in this subsection may forward
6 a statement to the state attorney as to whether prosecution is
7 warranted and appropriate.

8 (12) In a child protective investigation or a criminal
9 investigation, when the initial interview with the child is
10 conducted at school, the department or the law enforcement
11 agency may allow, notwithstanding the provisions of s.
12 39.0132(4), a school instructional staff member who is known
13 by the child to be present during the initial interview if:

14 (a) The department or law enforcement agency believes
15 that the school instructional staff member could enhance the
16 success of the interview by his or her presence; and

17 (b) The child requests or consents to the presence of
18 the school instructional staff member at the interview.

19
20 School instructional staff may be present only when authorized
21 by this subsection. Information received during the interview
22 or from any other source regarding the alleged abuse or
23 neglect of the child shall be confidential and exempt from the
24 provisions of s. 119.07(1), except as otherwise provided by
25 court order. A separate record of the investigation of the
26 abuse, abandonment, or neglect shall not be maintained by the
27 school or school instructional staff member. Violation of this
28 subsection constitutes a misdemeanor of the second degree,
29 punishable as provided in s. 775.082 or s. 775.083.

30 (13) Within 15 days after the completion of the
31 investigation of cases reported to him or her pursuant to this

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 section, the state attorney shall report his or her findings
2 to the department and shall include in such report a
3 determination of whether or not prosecution is justified and
4 appropriate in view of the circumstances of the specific case.

5 Section 38. Section 39.302, Florida Statutes, is
6 created to read:

7 39.302 Protective investigations of institutional
8 child abuse, abandonment, or neglect.--

9 (1) The department shall conduct a child protective
10 investigation of each report of institutional child abuse,
11 abandonment, or neglect. Upon receipt of a report that
12 alleges that an employee or agent of the department, or any
13 other entity or person covered by s. 39.01(32) or (47), acting
14 in an official capacity, has committed an act of child abuse,
15 abandonment, or neglect, the department shall immediately
16 initiate a child protective investigation and orally notify
17 the appropriate state attorney, law enforcement agency, and
18 licensing agency. These agencies shall immediately conduct a
19 joint investigation, unless independent investigations are
20 more feasible. When a facility is exempt from licensing, the
21 department shall inform the owner or operator of the facility
22 of the report. Each agency conducting a joint investigation
23 shall be entitled to full access to the information gathered
24 by the department in the course of the investigation. In all
25 cases, the department shall make a full written report to the
26 state attorney within 3 days after making the oral report. A
27 criminal investigation shall be coordinated, whenever
28 possible, with the child protective investigation of the
29 department. Any interested person who has information
30 regarding the offenses described in this subsection may
31 forward a statement to the state attorney as to whether

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 prosecution is warranted and appropriate. Within 15 days after
2 the completion of the investigation, the state attorney shall
3 report the findings to the department and shall include in
4 such report a determination of whether or not prosecution is
5 justified and appropriate in view of the circumstances of the
6 specific case.

7 (2)(a) If in the course of the child protective
8 investigation, the department finds that a subject of a
9 report, by continued contact with children in care,
10 constitutes a threatened harm to the physical health, mental
11 health, or welfare of the children, the department may
12 restrict the subject's access to the children pending the
13 outcome of the investigation. The department or its agent
14 shall employ the least restrictive means necessary to
15 safeguard the physical health, mental health, and welfare of
16 the children in care. This authority shall apply only to
17 child protective investigations in which there is some
18 evidence that child abuse, abandonment, or neglect has
19 occurred. A subject of a report whose access to children in
20 care has been restricted is entitled to petition the circuit
21 court for judicial review. The court shall enter written
22 findings of fact based upon the preponderance of evidence that
23 child abuse, abandonment, or neglect did occur and that the
24 department's restrictive action against a subject of the
25 report was justified in order to safeguard the physical
26 health, mental health, and welfare of the children in care.
27 The restrictive action of the department shall be effective
28 for no more than 90 days without a judicial finding supporting
29 the actions of the department.

30 (b) Upon completion of the department's child
31 protective investigation, the department may make application

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 to the circuit court for continued restrictive action against
2 any person necessary to safeguard the physical health, mental
3 health, and welfare of the children in care.

4 (3) Pursuant to the restrictive actions described in
5 subsection (2), in cases of institutional abuse, abandonment,
6 or neglect in which the removal of a subject of a report will
7 result in the closure of the facility, and when requested by
8 the owner of the facility, the department may provide
9 appropriate personnel to assist in maintaining the operation
10 of the facility. The department may provide assistance when
11 it can be demonstrated by the owner that there are no
12 reasonable alternatives to such action. The length of the
13 assistance shall be agreed upon by the owner and the
14 department; however, the assistance shall not be for longer
15 than the course of the restrictive action imposed pursuant to
16 subsection (2). The owner shall reimburse the department for
17 the assistance of personnel provided.

18 (4) The department shall notify the human rights
19 advocacy committee in the appropriate district of the
20 department as to every report of institutional child abuse,
21 abandonment, or neglect in the district in which a client of
22 the department is alleged or shown to have been abused,
23 abandoned, or neglected, which notification shall be made
24 within 48 hours after the department commences its
25 investigation.

26 (5) The department shall notify the state attorney and
27 the appropriate law enforcement agency of any other child
28 abuse, abandonment, or neglect case in which a criminal
29 investigation is deemed appropriate by the department.

30 (6) In cases of institutional child abuse,
31 abandonment, or neglect in which the multiplicity of reports

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 of abuse, abandonment, or neglect or the severity of the
2 allegations indicates the need for specialized investigation
3 by the department in order to afford greater safeguards for
4 the physical health, mental health, and welfare of the
5 children in care, the department shall provide a team of
6 persons specially trained in the areas of child abuse,
7 abandonment, and neglect investigations, diagnosis, and
8 treatment to assist the local office of the department in
9 expediting its investigation and in making recommendations for
10 restrictive actions and to assist in other ways deemed
11 necessary by the department in order to carry out the
12 provisions of this section. The specially trained team shall
13 also provide assistance to any investigation of the
14 allegations by local law enforcement and the Department of Law
15 Enforcement.

16 Section 39. Section 415.5055, Florida Statutes, is
17 renumbered as section 39.303, Florida Statutes, and amended to
18 read:

19 39.303 ~~415.5055~~ Child protection teams; services;
20 eligible cases.--The department shall develop, maintain, and
21 coordinate the services of one or more multidisciplinary child
22 protection teams in each of the service districts of the
23 department. Such teams may be composed of representatives of
24 appropriate health, mental health, social service, legal
25 service, and law enforcement agencies. The Legislature finds
26 that optimal coordination of child protection teams and sexual
27 abuse treatment programs requires collaboration between the
28 Department of Health and the Department of Children and Family
29 Services. The two departments shall maintain an interagency
30 agreement that establishes protocols for oversight and
31 operations of child protection teams and sexual abuse

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 treatment programs. The Secretary of Health and the Director
2 of the Division of Children's Medical Services, in
3 consultation with the Secretary of Children and Family
4 Services, shall maintain the responsibility for the screening,
5 employment, and, if necessary, the termination of child
6 protection team medical directors, at headquarters and in the
7 15 districts. Child protection team medical directors shall be
8 responsible for oversight of the teams in the districts.

9 (1) The department shall utilize and convene the teams
10 to supplement the assessment and protective supervision
11 activities of ~~the children, youth, and families program~~ of the
12 department. Nothing in this section shall be construed to
13 remove or reduce the duty and responsibility of any person to
14 report pursuant to this chapter ~~s. 415.504~~ all suspected or
15 actual cases of child abuse, abandonment, or neglect or sexual
16 abuse of a child. The role of the teams shall be to support
17 activities of the program and to provide services deemed by
18 the teams to be necessary and appropriate to abused,
19 abandoned, and neglected children upon referral. The
20 specialized diagnostic assessment, evaluation, coordination,
21 consultation, and other supportive services that a child
22 protection team shall be capable of providing include, but are
23 not limited to, the following:

24 (a) Medical diagnosis and evaluation services,
25 including provision or interpretation of X rays and laboratory
26 tests, and related services, as needed, and documentation of
27 findings relative thereto.

28 (b) Telephone consultation services in emergencies and
29 in other situations.

30 (c) Medical evaluation related to abuse, abandonment,
31 or neglect, as defined by department policy or rule.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (d) Such psychological and psychiatric diagnosis and
2 evaluation services for the child or the child's parent or
3 parents, legal custodian or custodians ~~guardian or guardians~~,
4 or other caregivers, or any other individual involved in a
5 child abuse, abandonment, or neglect case, as the team may
6 determine to be needed.

7 (e) Short-term psychological treatment. It is the
8 intent of the Legislature that short-term psychological
9 treatment be limited to no more than 6 months' duration after
10 treatment is initiated, except that the appropriate district
11 administrator may authorize such treatment for individual
12 children beyond this limitation if the administrator deems it
13 appropriate.

14 (f) Expert medical, psychological, and related
15 professional testimony in court cases.

16 (g) Case staffings to develop, implement, and monitor
17 treatment plans for children whose cases have been referred to
18 the team. A child protection team may provide consultation
19 with respect to a child who has not been referred to the team,
20 but who is alleged or is shown to be abused, abandoned, or
21 neglected, which consultation shall be provided at the request
22 of a representative of the children, youth, and families
23 program or at the request of any other professional involved
24 with a child or the child's parent or parents, legal custodian
25 or custodians ~~guardian or guardians~~, or other caregivers. In
26 every such child protection team case staffing, consultation,
27 or staff activity involving a child, a children, youth, and
28 families program representative shall attend and participate.

29 (h) Case service coordination and assistance,
30 including the location of services available from other public
31 and private agencies in the community.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (i) Such training services for program and other
2 department employees as is deemed appropriate to enable them
3 to develop and maintain their professional skills and
4 abilities in handling child abuse, abandonment, and neglect
5 cases.

6 (j) Educational and community awareness campaigns on
7 child abuse, abandonment, and neglect in an effort to enable
8 citizens more successfully to prevent, identify, and treat
9 child abuse, abandonment, and neglect in the community.

10 (2) The child abuse, abandonment, and neglect cases
11 that are appropriate for referral by the children, youth, and
12 families program to child protection teams for support
13 services as set forth in subsection (1) include, but are not
14 limited to, cases involving:

15 (a) Bruises, burns, or fractures in a child under the
16 age of 3 years or in a nonambulatory child of any age.

17 (b) Unexplained or implausibly explained bruises,
18 burns, fractures, or other injuries in a child of any age.

19 (c) Sexual abuse of a child in which vaginal or anal
20 penetration is alleged or in which other unlawful sexual
21 conduct has been determined to have occurred.

22 (d) Venereal disease, or any other sexually
23 transmitted disease, in a prepubescent child.

24 (e) Reported malnutrition of a child and failure of a
25 child to thrive.

26 (f) Reported medical, physical, or emotional neglect
27 of a child.

28 (g) Any family in which one or more children have been
29 pronounced dead on arrival at a hospital or other health care
30 facility, or have been injured and later died, as a result of
31 suspected abuse, abandonment, or neglect, when any sibling or

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 other child remains in the home.

2 (h) Symptoms of serious emotional problems in a child
3 when emotional or other abuse, abandonment, or neglect is
4 suspected.

5 ~~(3) All records and reports of the child protection~~
6 ~~team are confidential and exempt from the provisions of ss.~~
7 ~~119.07(1) and 455.241, and shall not be disclosed, except,~~
8 ~~upon request, to the state attorney, law enforcement, the~~
9 ~~department, and necessary professionals, in furtherance of the~~
10 ~~treatment or additional evaluative needs of the child or by~~
11 ~~order of the court.~~

12 (3) In all instances in which a child protection team
13 is providing certain services to abused, abandoned, or
14 neglected children, other offices and units of the department
15 shall avoid duplicating the provision of those services.

16 Section 40. Section 39.3035, Florida Statutes, is
17 created to read:

18 39.3035 Child advocacy centers; standards; state
19 funding.--

20 (1) In order to become eligible for a full membership
21 in the Florida Network of Children's Advocacy Centers, Inc., a
22 child advocacy center in this state shall:

23 (a) Be a private, nonprofit incorporated agency or a
24 governmental entity.

25 (b) Be a child protection team with established
26 community protocols that meet all of the requirements of the
27 National Network of Children's Advocacy Centers, Inc.

28 (c) Have a neutral, child-focused facility where joint
29 department and law enforcement interviews take place with
30 children in appropriate cases of suspected child sexual abuse
31 or physical abuse. All multidisciplinary agencies shall have

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 a place to interact with the child as investigative or
2 treatment needs require.

3 (d) Have a minimum designated staff that is supervised
4 and approved by the local board of directors or governmental
5 entity.

6 (e) Have a multidisciplinary case review team that
7 meets on a regularly scheduled basis or as the caseload of the
8 community requires. The team shall consist of representatives
9 from the Office of the State Attorney, the department, the
10 child protection team, mental health services, law
11 enforcement, and the child advocacy center staff. Medical
12 personnel and a victim's advocate may be part of the team.

13 (f) Provide case tracking of child abuse cases seen
14 through the center. A center shall also collect data on the
15 number of child abuse cases seen at the center, by sex, race,
16 age, and other relevant data; the number of cases referred for
17 prosecution; and the number of cases referred for mental
18 health therapy. Case records shall be subject to the
19 confidentiality provisions of s. 39.202.

20 (g) Provide referrals for medical exams and mental
21 health therapy. The center shall provide followup on cases
22 referred for mental health therapy.

23 (h) Provide training for various disciplines in the
24 community that deal with child abuse.

25 (i) Have an interagency commitment, in writing,
26 covering those aspects of agency participation in a
27 multidisciplinary approach to the handling of child sexual
28 abuse and serious physical abuse cases.

29 (2) Provide assurance that child advocacy center
30 employees and volunteers at the center are trained and
31 screened in accordance with s. 39.001(2).

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (3) Any child advocacy center within this state that
2 meets the standards of subsection (1) and is certified by the
3 Florida Network of Children's Advocacy Centers, Inc., as being
4 a full member in the organization shall be eligible to receive
5 state funds that are appropriated by the Legislature.

6 Section 41. Section 415.507, Florida Statutes, is
7 renumbered as section 39.304, Florida Statutes, and amended to
8 read:

9 39.304 ~~415.507~~ Photographs, medical examinations, X
10 rays, and medical treatment of abused, abandoned, or neglected
11 child.--

12 (1) Any person required to investigate cases of
13 suspected child abuse, abandonment, or neglect may take or
14 cause to be taken photographs of the areas of trauma visible
15 on a child who is the subject of a report. If the areas of
16 trauma visible on a child indicate a need for a medical
17 examination, or if the child verbally complains or otherwise
18 exhibits distress as a result of injury through suspected
19 child abuse, abandonment, or neglect, or is alleged to have
20 been sexually abused, the person required to investigate may
21 cause the child to be referred for diagnosis to a licensed
22 physician or an emergency department in a hospital without the
23 consent of the child's parents, caregiver ~~legal guardian~~, or
24 legal custodian. Such examination may be performed by an
25 advanced registered nurse practitioner licensed pursuant to
26 chapter 464. Any licensed physician, or advanced registered
27 nurse practitioner licensed pursuant to chapter 464, who has
28 reasonable cause to suspect that an injury was the result of
29 child abuse, abandonment, or neglect may authorize a
30 radiological examination to be performed on the child without
31 the consent of the child's parent, caregiver ~~legal guardian~~,

Bill No. HB 1019, 2nd Eng.

Amendment No.

1 or legal custodian.

2 (2) Consent for any medical treatment shall be
3 obtained in the following manner.

4 (a)1. Consent to medical treatment shall be obtained
5 from a parent or legal custodian ~~guardian~~ of the child; or

6 2. A court order for such treatment shall be obtained.

7 (b) If a parent or legal custodian ~~guardian~~ of the
8 child is unavailable and his or her whereabouts cannot be
9 reasonably ascertained, and it is after normal working hours
10 so that a court order cannot reasonably be obtained, an
11 authorized agent of the department shall have the authority to
12 consent to necessary medical treatment for the child. The
13 authority of the department to consent to medical treatment in
14 this circumstance shall be limited to the time reasonably
15 necessary to obtain court authorization.

16 (c) If a parent or legal custodian ~~guardian~~ of the
17 child is available but refuses to consent to the necessary
18 treatment, a court order shall be required unless the
19 situation meets the definition of an emergency in s. 743.064
20 or the treatment needed is related to suspected abuse,
21 abandonment, or neglect of the child by a parent or legal
22 custodian ~~guardian~~. In such case, the department shall have
23 the authority to consent to necessary medical treatment. This
24 authority is limited to the time reasonably necessary to
25 obtain court authorization.

26
27 In no case shall the department consent to sterilization,
28 abortion, or termination of life support.

29 (3) Any facility licensed under chapter 395 shall
30 provide to the department, its agent, or a child protection
31 team that contracts with the department any photograph or

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 report on examinations made or X rays taken pursuant to this
2 section, or copies thereof, for the purpose of investigation
3 or assessment of cases of abuse, abandonment, neglect, or
4 exploitation of children.

5 ~~(4)(3)~~ Any photograph or report on examinations made
6 or X rays taken pursuant to this section, or copies thereof,
7 shall be sent to the department as soon as possible.

8 ~~(5)(4)~~ The county in which the child is a resident
9 shall bear the initial costs of the examination of the
10 allegedly abused, abandoned, or neglected child; however, the
11 parents, caregiver ~~legal guardian~~, or legal custodian of the
12 child shall be required to reimburse the county for the costs
13 of such examination, other than an initial forensic physical
14 examination as provided in s. 960.28, and to reimburse the
15 department of ~~Children and Family Services~~ for the cost of the
16 photographs taken pursuant to this section. A medical
17 provider may not bill a child victim, directly or indirectly,
18 for the cost of an initial forensic physical examination.

19 ~~(5)~~ ~~The court shall order a defendant or juvenile~~
20 ~~offender who pleads guilty or nolo contendere to, or who is~~
21 ~~convicted of or adjudicated delinquent for, a violation of~~
22 ~~chapter 794 or chapter 800 to make restitution to the Crimes~~
23 ~~Compensation Trust Fund or to the county, whichever paid for~~
24 ~~the initial forensic physical examination, in an amount equal~~
25 ~~to the compensation paid to the medical provider for the cost~~
26 ~~of the initial forensic physical examination. The order may~~
27 ~~be enforced by the department in the same manner as a judgment~~
28 ~~in a civil action.~~

29 Section 42. Section 415.5095, Florida Statutes, is
30 renumbered as section 39.305, Florida Statutes, and amended to
31 read:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 39.305 ~~415.5095~~ Intervention and treatment in sexual
2 abuse cases; model plan.--

3 ~~(1) The impact of sexual abuse on the child and family~~
4 ~~has caused the Legislature to determine that special~~
5 ~~intervention and treatment must be offered in certain cases so~~
6 ~~that the child can be protected from further abuse, the family~~
7 ~~can be kept together, and the abuser can benefit from~~
8 ~~treatment. To further this end, it is the intent of the~~
9 ~~Legislature that special funding shall be available in those~~
10 ~~communities where agencies and professionals are able to work~~
11 ~~cooperatively to effectuate intervention and treatment in~~
12 ~~intrafamily sexual abuse cases.~~

13 ~~(2) The department of Children and Family Services~~
14 ~~shall develop a model plan for community intervention and~~
15 ~~treatment of intrafamily sexual abuse in conjunction with the~~
16 ~~Department of Law Enforcement, the Department of Health, the~~
17 ~~Department of Education, the Attorney General, the state~~
18 ~~Guardian Ad Litem Program, the Department of Corrections,~~
19 ~~representatives of the judiciary, and professionals and~~
20 ~~advocates from the mental health and child welfare community.~~

21 Section 43. Section 39.306, Florida Statutes, is
22 created to read:

23 39.306 Child protective investigations; working
24 agreements with local law enforcement.--The department shall
25 enter into agreements with the jurisdictionally responsible
26 county sheriffs' offices and local police departments that
27 will assume the lead in conducting any potential criminal
28 investigations arising from allegations of child abuse,
29 abandonment, or neglect. The written agreement must specify
30 how the requirements of this chapter will be met. For the
31 purposes of such agreement, the jurisdictionally responsible

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 law enforcement entity is authorized to share Florida criminal
2 history information that is not otherwise exempt from s.
3 119.07(1) with the district personnel, authorized agent, or
4 contract provider directly responsible for the child
5 protective investigation and emergency child placement. The
6 agencies entering into such agreement must comply with s.
7 943.0525. Criminal justice information provided by such law
8 enforcement entity shall be used only for the purposes
9 specified in the agreement and shall be provided at no charge.
10 Notwithstanding any other provision of law, the Department of
11 Law Enforcement shall provide to the department electronic
12 access to Florida criminal justice information that is
13 lawfully available and not exempt from s. 119.07(1), only for
14 the purpose of child protective investigations and emergency
15 child placement. As a condition of access to such
16 information, the department shall be required to execute an
17 appropriate user agreement addressing the access, use,
18 dissemination, and destruction of such information and to
19 comply with all applicable laws and regulations and with rules
20 of the Department of Law Enforcement.

21 Section 44. Section 415.50171, Florida Statutes, is
22 renumbered as section 39.307, Florida Statutes, and amended to
23 read:

24 39.307 ~~415.50171~~ Family services response system;
25 Reports of child-on-child sexual abuse.--

26 (1) ~~Subject to specific appropriation,~~ Upon receiving
27 a report alleging juvenile sexual abuse as defined in s.
28 39.01(7)(b), the department shall assist the family in
29 receiving appropriate services ~~415.50165(7), district staff~~
30 shall, unless caregiver abuse or neglect is involved, use a
31 family services response system approach to address the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 allegations of the report.

2 (2) District staff, at a minimum, shall adhere to the
3 following procedures:

4 (a) The purpose of the response to a report alleging
5 juvenile sexual abuse behavior shall be explained to the
6 caregiver.

7 1. The purpose of the response shall be explained in a
8 manner consistent with legislative purpose and intent provided
9 in this chapter part.

10 2. The name and office telephone number of the person
11 responding shall be provided to the caregiver of the alleged
12 juvenile sexual offender and victim's caregiver.

13 3. The possible consequences of the department's
14 response, including outcomes and services, shall be explained
15 to the caregiver of the alleged juvenile sexual offender and
16 the victim's family or caregiver.

17 (b) The caregiver of the alleged juvenile sexual
18 offender and the caregiver of the victim shall be involved to
19 the fullest extent possible in determining the nature of the
20 allegation and the nature of any problem or risk to other
21 children.

22 (c) The assessment of risk and the perceived treatment
23 needs of the alleged juvenile sexual offender, the victim, and
24 respective caregivers shall be conducted by the district
25 staff, the child protection team, and other providers under
26 contract with the department to provide services to the
27 caregiver of the alleged offender, the victim, and the
28 victim's caregiver.

29 (d) The assessment shall be conducted in a manner that
30 is sensitive to the social, economic, and cultural environment
31 of the family.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (e) When necessary, the child protection team shall
2 conduct an evidence-gathering physical examination of the
3 victim.

4 (f) Based on the information obtained from the alleged
5 juvenile sexual offender, the alleged juvenile sexual
6 offender's caregiver, the victim, and the victim's caregiver,
7 an assessment service and treatment needs report must be
8 completed within 7 days and, if needed, a case plan developed
9 within 30 days.

10 (g) The department shall classify the outcome of its
11 initial assessment of the report as follows:

12 1. Report closed. Services were not offered to the
13 alleged juvenile sexual offender because the department
14 determined that there was no basis for intervention.

15 2. Services accepted by alleged offender. Services
16 were offered to the alleged juvenile sexual offender and
17 accepted by the caregiver.

18 3. Report closed. Services were offered to the
19 alleged juvenile sexual offender, but were rejected by the
20 caregiver.

21 4. Notification to law enforcement. Either the risk
22 to the victim's safety and well-being cannot be reduced by the
23 provision of services or the family rejected services, and
24 notification of the alleged delinquent act or violation of law
25 to the appropriate law enforcement agency was initiated.

26 5. Services accepted by victim. Services were offered
27 to the victim of the alleged juvenile sexual offender and
28 accepted by the caregiver.

29 6. Report closed. Services were offered to the victim
30 of the alleged juvenile sexual offender, but were rejected by
31 the caregiver.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (3) When services have been accepted by the alleged
2 juvenile sexual offender, victim, and respective caregivers or
3 family, the department shall designate a case manager and
4 develop a specific case plan.

5 (a) Upon receipt of the plan, the caregiver or family
6 shall indicate its acceptance of the plan in writing.

7 (b) The case manager shall periodically review the
8 progress toward achieving the objectives of the plan in order
9 to:

10 1. Make adjustments to the plan or take additional
11 action as provided in this part; or

12 2. Terminate the case when indicated by successful or
13 substantial achievement of the objectives of the plan.

14 (4) In the event the family or caregiver of the
15 alleged juvenile sexual offender fails to adequately
16 participate or allow for the adequate participation of the
17 juvenile sexual offender in the services or treatment
18 delineated in the case plan, the case manager may recommend
19 that the department:

20 (a) Close the case;

21 (b) Refer the case to mediation or arbitration, if
22 available; or

23 (c) Notify the appropriate law enforcement agency of
24 failure to comply.

25 (5) Services to the alleged juvenile sexual offender,
26 the victim, and respective caregivers or family under this
27 section shall be voluntary and of necessary duration.

28 (6) At any time, as a result of additional
29 information, findings of facts, or changing conditions, the
30 department may pursue a child protective investigation as
31 provided in this chapter ~~part IV~~.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 renumbered as section 39.312, Florida Statutes, and amended to
2 read:

3 39.312 ~~415.516~~ Goals.--The goals of any Family
4 Builders Program shall be to:

5 (1) ~~(1)~~ Ensure child health and safety while working with
6 the family.

7 (2)~~(1)~~ Help parents to improve their relationships
8 with their children and to provide better care, nutrition,
9 hygiene, discipline, protection, instruction, and supervision.

10 (3)~~(2)~~ Help parents to provide a better household
11 environment for their children by improving household
12 maintenance, budgeting, and purchasing.

13 (4)~~(3)~~ Provide part-time child care when parents are
14 unable to do so or need temporary relief.

15 (5)~~(4)~~ Perform household maintenance, budgeting, and
16 purchasing when parents are unable to do so on their own or
17 need temporary relief.

18 (6)~~(5)~~ Assist parents and children to manage and
19 resolve conflicts.

20 (7)~~(6)~~ Assist parents to meet the special physical,
21 mental, or emotional needs of their children and help parents
22 to deal with their own special physical, mental, or emotional
23 needs that interfere with their ability to care for their
24 children and to manage their households.

25 (8)~~(7)~~ Help families to discover and gain access to
26 community resources to which the family or children might be
27 entitled and which would assist the family in meeting its
28 needs and the needs of the children, including the needs for
29 food, clothing, housing, utilities, transportation,
30 appropriate educational opportunities, employment, respite
31 care, and recreational and social activities.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~(9)~~(8) Help families by providing cash or in-kind
2 assistance to meet their needs for food, clothing, housing, or
3 transportation when such needs prevent or threaten to prevent
4 parents from caring for their children, and when such needs
5 are not met by other sources in the community in a timely
6 fashion.

7 ~~(9) Emphasize parental responsibility and facilitate~~
8 ~~counseling for children at high risk of delinquent behavior~~
9 ~~and their parents.~~

10 (10) Provide such additional reasonable services for
11 the prevention of maltreatment and unnecessary foster care as
12 may be needed in order to strengthen a family at risk.

13 Section 48. Section 415.517, Florida Statutes, is
14 renumbered as section 39.313, Florida Statutes, and amended to
15 read:

16 39.313 ~~415.517~~ Contracting of services.--The
17 department may contract for the delivery of Family Builders
18 Program services by professionally qualified persons or local
19 governments when it determines that it is in the family's best
20 interest. The service provider or program operator must
21 submit to the department monthly activity reports covering any
22 services rendered. These activity reports must include
23 project evaluation in relation to individual families being
24 served, as well as statistical data concerning families
25 referred for services who are not served due to the
26 unavailability of resources. The costs of program evaluation
27 are an allowable cost consideration in any service contract
28 negotiated in accordance with this section ~~subsection~~.

29 Section 49. Section 415.518, Florida Statutes, is
30 renumbered as section 39.314, Florida Statutes, and amended to
31 read:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 39.314 ~~415.518~~ Eligibility for Family Builders Program
2 services.--Family Builders Program services must be made
3 available to a family at risk on a voluntary basis, provided
4 the family meets the eligibility requirements as established
5 by rule and there is space available in the program. All
6 members of the families who accept such services are
7 responsible for cooperating fully with the family preservation
8 plan developed for each family under s. 39.315 ~~this section~~.
9 Families in which children are at imminent risk of sexual
10 abuse or physical endangerment perpetrated by a member of
11 their immediate household are not eligible to receive family
12 preservation services unless the perpetrator is in, or has
13 agreed to enter, a program for treatment and the safety of the
14 children may be enhanced through participation in the Family
15 Builders Program.

16 Section 50. Section 415.519, Florida Statutes, is
17 renumbered as section 39.315, Florida Statutes.

18 Section 51. Section 415.520, Florida Statutes, is
19 renumbered as section 39.316, Florida Statutes, and amended to
20 read:

21 39.316 ~~415.520~~ Qualifications of Family Builders
22 Program workers.--

23 (1) A public or private agency staff member who
24 provides direct service to an eligible family must possess a
25 bachelor's degree in a human-service-related field and 2
26 years' experience providing direct services to children,
27 youth, or their families or possess a master's degree in a
28 human-service-related field with 1 year of experience. A
29 person who supervises caseworkers who provide direct services
30 to eligible families must possess a master's degree in a
31 human-service-related field and have at least 2 years of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 experience in social work or counseling or must possess a
2 bachelor's degree in a human-service-related field and have at
3 least 3 years' experience in social work or counseling.

4 (2) A person who provides paraprofessional aide
5 services to families must possess a valid high school diploma
6 or a Graduate Equivalency Diploma and must have a minimum of 2
7 years' experience in working with families with children.
8 Experience in a volunteer capacity while working with families
9 may be included in the 2 years of required experience.

10 (3) Caseworkers must successfully complete at least 40
11 hours of intensive training prior to providing direct services
12 ~~service~~ under this program. Paraprofessional aides and
13 supervisors must, within 90 days after hiring, complete a
14 training program prescribed by the department on child abuse,
15 abandonment, and neglect and an overview of the children,
16 youth, and families program components and service delivery
17 system. Program supervisors and caseworkers must thereafter
18 complete at least 40 hours of additional training each year in
19 accordance with standards established by the department.

20 Section 52. Section 415.521, Florida Statutes, is
21 renumbered as section 39.317, Florida Statutes.

22 Section 53. Section 415.522, Florida Statutes, is
23 renumbered as section 39.318, Florida Statutes, and amended to
24 read:

25 39.318 ~~415.522~~ Funding.--The department is authorized
26 to use appropriate state, federal, and private funds within
27 its budget for operating the Family Builders Program. For
28 each child served, the cost of providing home-based services
29 described in this part ~~act~~ must not exceed the costs of
30 out-of-home care which otherwise would be incurred.

31 Section 54. Part V of chapter 39, Florida Statutes,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 consisting of sections 39.395, 39.401, 39.402, 39.407, and
2 39.4075, Florida Statutes, shall be entitled to read:

3 PART V

4 TAKING CHILDREN INTO CUSTODY

5 AND SHELTER HEARINGS

6 Section 55. Section 39.395, Florida Statutes, is
7 created to read:

8 39.395 Taking a child into protective custody; medical
9 or hospital personnel.--Any person in charge of a hospital or
10 similar institution or any physician or licensed health care
11 professional treating a child may keep that child in his or
12 her custody without the consent of the parents, caregiver, or
13 legal custodian, whether or not additional medical treatment
14 is required, if the circumstances are such, or if the
15 condition of the child is such, that continuing the child in
16 the child's place of residence or in the care or custody of
17 the parents, caregiver, or legal custodian presents an
18 imminent danger to the child's life or physical or mental
19 health. Any such person taking a child into protective custody
20 shall immediately notify the department, whereupon the
21 department shall immediately begin a child protective
22 investigation in accordance with the provisions of this
23 chapter and shall make every reasonable effort to immediately
24 notify the parents, caregiver, or legal custodian that such
25 child has been taken into protective custody. If the
26 department determines, according to the criteria set forth in
27 this chapter, that the child should remain in protective
28 custody longer than 24 hours, it shall petition the court for
29 an order authorizing such custody in the same manner as if the
30 child were placed in a shelter. The department shall attempt
31 to avoid the placement of a child in an institution whenever

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 possible.

2 Section 56. Section 39.401, Florida Statutes, as
3 amended by chapter 97-276, Laws of Florida, is amended to
4 read:

5 39.401 Taking a child alleged to be dependent into
6 custody; law enforcement officers and authorized agents of the
7 department.--

8 (1) A child may only be taken into custody:

9 (a) Pursuant to an order of the circuit court issued
10 pursuant to the provisions of this part, based upon sworn
11 testimony, either before or after a petition is filed; or—

12 (b) By a law enforcement officer, or an authorized
13 agent of the department, if the officer or authorized agent
14 has probable cause to support a finding of reasonable grounds
15 for removal and that removal is necessary to protect the
16 child. Reasonable grounds for removal are as follows:

17 1. That the child has been abused, neglected, or
18 abandoned, or is suffering from or is in imminent danger of
19 illness or injury as a result of abuse, neglect, or
20 abandonment;

21 2. That the parent, legal custodian, caregiver, or
22 responsible adult relative ~~custodian~~ of the child has
23 materially violated a condition of placement imposed by the
24 court; or

25 3. That the child has no parent, legal custodian,
26 caregiver, or responsible adult relative immediately known and
27 available to provide supervision and care.

28 (2) If the law enforcement officer takes ~~person taking~~
29 the child into custody ~~is not an authorized agent of the~~
30 ~~department,~~ that officer ~~person~~ shall:

31 (a) Release the child to:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 1. The parent, caregiver, or guardian, legal custodian
 2 of the child;

3 2. A responsible adult approved by the court when
 4 limited to temporary emergency situations;

5 3. A responsible adult relative who shall be given
 6 priority consideration over a nonrelative placement when this
 7 is in the best interests of the child; or

8 4. A responsible adult approved by the department;
 9 ~~within 3 days following such release, the person taking the~~
 10 ~~child into custody shall make a full written report to the~~
 11 ~~department for cases involving allegations of abandonment,~~
 12 ~~abuse, or neglect or other dependency cases; or~~

13 (b) Deliver the child to an authorized agent of the
 14 department, stating the facts by reason of which the child was
 15 taken into custody and sufficient information to establish
 16 probable cause that the child is abandoned, abused, or
 17 neglected, or otherwise dependent ~~and make a full written~~
 18 ~~report to the department within 3 days.~~

19
 20 For cases involving allegations of abandonment, abuse, or
 21 neglect, or other dependency cases, within 3 days after such
 22 release or within 3 days after delivering the child to an
 23 authorized agent of the department, the law enforcement
 24 officer who took the child into custody shall make a full
 25 written report to the department.

26 (3) If the child is taken into custody by, or is
 27 delivered to, an authorized agent of the department, the
 28 authorized agent shall review the facts supporting the removal
 29 with an attorney representing the department ~~legal staff~~ prior
 30 ~~to the emergency shelter hearing.~~ The purpose of this review
 31 shall be to determine whether probable cause exists for the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 filing of a ~~an emergency~~ shelter petition pursuant to s.
2 ~~39.402(1)~~. If the facts are not sufficient to support the
3 filing of a shelter petition, the child shall immediately be
4 returned to the custody of the parent, caregiver, or legal
5 custodian. If the facts are sufficient to support the filing
6 of the shelter petition, and the child has not been returned
7 to the custody of the parent, caregiver, or legal custodian,
8 the department shall file the shelter petition and schedule a
9 shelter hearing pursuant to s. ~~39.402(1)~~, such hearing to be
10 held within 24 hours after the removal of the child. While
11 awaiting the ~~emergency~~ shelter hearing, the authorized agent
12 of the department may place the child in licensed shelter care
13 or may release the child to a parent, ~~guardian~~, legal
14 custodian, caregiver, or responsible adult relative who shall
15 be given priority consideration over a licensed nonrelative
16 placement, or responsible adult approved by the department
17 when this is in the best interests of the child. Any placement
18 of a child which is not in a licensed shelter must be preceded
19 by a local and state criminal records check, as well as a
20 search of the department's automated abuse information system,
21 on all members of the household, to assess the child's safety
22 within the home. In addition, the department may authorize
23 placement of a housekeeper/homemaker in the home of a child
24 alleged to be dependent until the parent or legal custodian
25 assumes care of the child.

26 (4) When a child is taken into custody pursuant to
27 this section, the department ~~of Children and Family Services~~
28 shall request that the child's parent, caregiver, or legal
29 custodian disclose the names, relationships, and addresses of
30 all parents and prospective parents and all next of kin of the
31 child, so far as are known.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 57. Section 39.402, Florida Statutes, as
2 amended by chapter 97-276, Laws of Florida, is amended to
3 read:

4 39.402 Placement in a shelter.--

5 (1) Unless ordered by the court under this chapter, a
6 child taken into custody shall not be placed in a shelter
7 prior to a court hearing unless there are reasonable grounds
8 for removal and removal is necessary to protect the child.
9 Reasonable grounds for removal are as follows:

10 (a) The child has been abused, neglected, or
11 abandoned, or is suffering from or is in imminent danger of
12 illness or injury as a result of abuse, neglect, or
13 abandonment;

14 (b) The custodian of the child has materially violated
15 a condition of placement imposed by the court; or

16 (c) The child has no parent, legal custodian,
17 caregiver, or responsible adult relative immediately known and
18 available to provide supervision and care.

19 (2) A child taken into custody may be placed or
20 continued in a shelter only if one or more of the criteria in
21 subsection (1) applies and the court has made a specific
22 finding of fact regarding the necessity for removal of the
23 child from the home and has made a determination that the
24 provision of appropriate and available services will not
25 eliminate the need for placement.

26 (3) Whenever a child is taken into custody, the
27 department shall immediately notify the parents or legal
28 custodians, shall provide the parents or legal custodians with
29 a statement setting forth a summary of procedures involved in
30 dependency cases, and shall notify them of their right to
31 obtain their own attorney.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (4) If the department determines that placement in a
2 shelter is necessary under subsections (1) and (2), the
3 authorized agent of the department shall authorize placement
4 of the child in a shelter.

5 (5)(a) The parents or legal custodians of the child
6 shall be given actual notice of the date, time, and location
7 of the ~~emergency~~ shelter hearing. If the parents or legal
8 custodians are outside the jurisdiction of the court, are not
9 known, or cannot be located or refuse or evade service, they
10 shall be given such notice as best ensures their actual
11 knowledge of the date, time, and location of the ~~emergency~~
12 shelter hearing. The person providing or attempting to
13 provide notice to the parents or legal custodians shall, if
14 the parents or legal custodians are not present at the
15 hearing, advise the court either in person or by sworn
16 affidavit, of the attempts made to provide notice and the
17 results of those attempts.

18 (b) The parents or legal custodians shall be given
19 written notice that:

20 ~~(b) At the emergency shelter hearing, the department~~
21 ~~must establish probable cause that reasonable grounds for~~
22 ~~removal exist and that the provision of appropriate and~~
23 ~~available services will not eliminate the need for placement.~~

24 1.(c) They will ~~The parents or legal custodians shall~~
25 be given an opportunity to be heard and to present evidence at
26 the ~~emergency~~ shelter hearing; ~~and~~.

27 2. They have the right to be represented by counsel,
28 and, if indigent, the right to be represented by appointed
29 counsel, at the shelter hearing and at each subsequent hearing
30 or proceeding, pursuant to the procedures set forth in s.
31 39.013.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~(6)~~(5)(a) The circuit court, or the county court, if
2 previously designated by the chief judge of the circuit court
3 for such purpose, shall hold the shelter hearing.

4 (b) The shelter petition filed with the court must
5 address each condition required to be determined by the court
6 in paragraphs (8)(a) and (b)~~subsection (7)~~.

7 ~~(7)~~(6) A child may not be removed from the home or
8 continued out of the home pending disposition if, with the
9 provision of appropriate and available early-intervention or
10 preventive services, including services provided in the home,
11 the child could safely remain at home. If the child's safety
12 and well-being are in danger, the child shall be removed from
13 danger and continue to be removed until the danger has passed.
14 If the child has been removed from the home and the reasons
15 for his or her removal have been remedied, the child may be
16 returned to the home. If the court finds that the prevention
17 or reunification efforts of the department will allow the
18 child to remain safely at home, the court shall allow the
19 child to remain in the home.

20 ~~(8)~~(7)(a) A child may not be held in a shelter longer
21 than 24 hours unless an order so directing is entered by the
22 court after a ~~an emergency~~ shelter hearing. In the interval
23 until the shelter hearing is held, the decision to place the
24 child in a shelter or release the child from a shelter lies
25 with the protective investigator.~~At the emergency shelter~~
26 ~~hearing, the court shall appoint a guardian ad litem to~~
27 ~~represent the child unless the court finds that such~~
28 ~~representation is unnecessary.~~

29 (b) The parents or legal custodians of the child shall
30 be given such notice as best ensures their actual knowledge of
31 the time and place of the shelter hearing ~~and shall be given~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

- 1 ~~an opportunity to be heard and to present evidence at the~~
2 ~~emergency shelter hearing. The failure to provide notice to a~~
3 ~~party or participant does not invalidate an order placing a~~
4 ~~child in a shelter if the court finds that the petitioner has~~
5 ~~made a good-faith effort to provide such notice.~~The court
6 shall require the parents or legal custodians present at the
7 hearing to provide to the court on the record the names,
8 addresses, and relationships of all parents, prospective
9 parents, and next of kin of the child, so far as are known.
- 10 (c) At the shelter hearing, the court shall:
- 11 1. Appoint a guardian ad litem to represent the child,
12 unless the court finds that such representation is
13 unnecessary;
- 14 2. Inform the parents or legal custodians of their
15 right to counsel to represent them at the shelter hearing and
16 at each subsequent hearing or proceeding, and the right of the
17 parents to appointed counsel, pursuant to the procedures set
18 forth in s. 39.013; and
- 19 3. Give the parents or legal custodians an opportunity
20 to be heard and to present evidence.
- 21 (d) At the shelter hearing, the department must
22 establish probable cause that reasonable grounds for removal
23 exist and that the provision of appropriate and available
24 services will not eliminate the need for placement.
- 25 (e) At the shelter hearing, each party shall provide
26 to the court a permanent mailing address. The court shall
27 advise each party that this address will be used by the court
28 and the petitioner for notice purposes unless and until the
29 party notifies the court and the petitioner in writing of a
30 new mailing address.
- 31 (f)(b) The order for placement of a child in shelter

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 care must identify the parties present at the hearing and must
2 contain written findings:

3 1. That placement in shelter care is necessary based
4 on the criteria in subsections (1) and (2).

5 2. That placement in shelter care is in the best
6 interest of the child.

7 3. That continuation of the child in the home is
8 contrary to the welfare of the child because the home
9 situation presents a substantial and immediate danger to the
10 child's physical, mental, or emotional health or safety child
11 which cannot be mitigated by the provision of preventive
12 services.

13 4. That based upon the allegations of the petition for
14 placement in shelter care, there is probable cause to believe
15 that the child is dependent.

16 5. That the department has made reasonable efforts to
17 prevent or eliminate the need for removal of the child from
18 the home. A finding of reasonable effort by the department to
19 prevent or eliminate the need for removal may be made and the
20 department is deemed to have made reasonable efforts to
21 prevent or eliminate the need for removal if:

22 a. The first contact of the department with the family
23 occurs during an emergency.

24 b. The appraisal of the home situation by the
25 department indicates that the home situation presents a
26 substantial and immediate danger to the child's physical,
27 mental, or emotional health or safety ~~child~~ which cannot be
28 mitigated by the provision of preventive services.

29 c. The child cannot safely remain at home, either
30 because there are no preventive services that can ensure the
31 health and safety of the child or because, even with

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 appropriate and available services being provided, the health
2 and safety of the child cannot be ensured.

3 6. That the court notified the parents or legal
4 custodians of the subsequent dependency proceedings, including
5 scheduled hearings, and of the importance of the active
6 participation of the parents or legal custodians in those
7 subsequent proceedings and hearings.

8 7. That the court notified the parents or legal
9 custodians of their right to counsel to represent them at the
10 shelter hearing and at each subsequent hearing or proceeding,
11 and the right of the parents to appointed counsel, pursuant to
12 the procedures set forth in s. 39.013.

13 ~~(c) The failure to provide notice to a party or~~
14 ~~participant does not invalidate an order placing a child in a~~
15 ~~shelter if the court finds that the petitioner has made a good~~
16 ~~faith effort to provide such notice.~~

17 ~~(d) In the interval until the shelter hearing is held~~
18 ~~under paragraph (a), the decision to place the child in a~~
19 ~~shelter or release the child from a shelter lies with the~~
20 ~~protective investigator in accordance with subsection (3).~~

21 (9) At any shelter hearing, the court shall determine
22 visitation rights absent a clear and convincing showing that
23 visitation is not in the best interest of the child.

24 (10) The shelter hearing order shall contain a written
25 determination as to whether the department has made a
26 reasonable effort to prevent or eliminate the need for removal
27 or continued removal of the child from the home. If the
28 department has not made such an effort, the court shall order
29 the department to provide appropriate and available services
30 to ensure the protection of the child in the home when such
31 services are necessary for the child's health and safety.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~(8) A child may not be held in a shelter under an~~
2 ~~order so directing for more than 21 days unless an order of~~
3 ~~adjudication for the case has been entered by the court. The~~
4 ~~parent, guardian, or custodian of the child must be notified~~
5 ~~of any order directing placement of the child in an emergency~~
6 ~~shelter and, upon request, must be afforded a hearing within~~
7 ~~48 hours, excluding Sundays and legal holidays, to review the~~
8 ~~necessity for continued placement in the shelter for any time~~
9 ~~periods as provided in this section. At any arraignment~~
10 ~~hearing or determination of emergency shelter care, the court~~
11 ~~shall determine visitation rights absent a clear and~~
12 ~~convincing showing that visitation is not in the best interest~~
13 ~~of the child, and the court shall make a written determination~~
14 ~~as to whether the department has made a reasonable effort to~~
15 ~~prevent or eliminate the need for removal or continued removal~~
16 ~~of the child from the home. If the department has not made~~
17 ~~such an effort, the court shall order the department to~~
18 ~~provide appropriate and available services to assure the~~
19 ~~protection of the child in the home when such services are~~
20 ~~necessary for the child's safety. Within 7 days after the~~
21 ~~child is taken into custody, a petition alleging dependency~~
22 ~~must be filed and, within 14 days after the child is taken~~
23 ~~into custody, an arraignment hearing must be held for the~~
24 ~~child's parent, guardian, or custodian to admit, deny, or~~
25 ~~consent to the findings of dependency alleged in the petition.~~

26 ~~(11)(12) If a~~ When any child is placed in a shelter
27 pursuant to ~~under~~ a court order following a shelter hearing,
28 the court shall prepare a shelter hearing order requiring the
29 parents of the child, or the guardian of the child's estate,
30 if possessed of assets which under law may be disbursed for
31 the care, support, and maintenance of the child, to pay, to

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 the department or institution having custody of the child,
2 fees as established by the department. When the order affects
3 the guardianship estate, a certified copy of the order shall
4 be delivered to the judge having jurisdiction of the
5 guardianship estate.

6 (12) In the event the shelter hearing is conducted by
7 a judge other than the juvenile court judge, the juvenile
8 court judge shall hold a shelter review on the status of the
9 child within 2 working days after the shelter hearing.

10 (13)(9) A child may not be held in a shelter under an
11 order so directing for more than 60 days without an
12 adjudication of dependency.A child may not be held in a
13 shelter for more than 30 days after the entry of an order of
14 adjudication unless an order of disposition ~~under s. 39.41~~ has
15 been entered by the court.

16 (14)(10) The time limitations in this section
17 ~~subsection (8)~~ do not include:

18 (a) Periods of delay resulting from a continuance
19 granted at the request or with the consent of the child's
20 counsel or the child's guardian ad litem, if one has been
21 appointed by the court, or, if the child is of sufficient
22 capacity to express reasonable consent, at the request or with
23 the consent of the child's attorney or the child's guardian ad
24 litem, if one has been appointed by the court, and the child.

25 (b) Periods of delay resulting from a continuance
26 granted at the request of the attorney for the department, if
27 the continuance is granted:

28 1. Because of an unavailability of evidence material
29 to the case when the attorney for the department has exercised
30 due diligence to obtain such evidence and there are
31 substantial grounds to believe that such evidence will be

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 available within 30 days. However, if the department is not
2 prepared to present its case within 30 days, the parent or
3 legal custodian ~~guardian~~ may move for issuance of an order to
4 show cause or the court on its own motion may impose
5 appropriate sanctions, which may include dismissal of the
6 petition.

7 2. To allow the attorney for the department additional
8 time to prepare the case and additional time is justified
9 because of an exceptional circumstance.

10 (c) Reasonable periods of delay necessary to
11 accomplish notice of the hearing to the child's parents or
12 legal custodians; however, the petitioner shall continue
13 regular efforts to provide notice to the parents or legal
14 custodians during such periods of delay.

15 (d) Reasonable periods of delay resulting from a
16 continuance granted at the request of the parent or legal
17 custodian of a subject child.

18 (15) At the conclusion of a shelter hearing, the court
19 shall notify all parties in writing of the next scheduled
20 hearing to review the shelter placement. Such hearing shall be
21 held no later than 30 days after placement of the child in
22 shelter status, in conjunction with the arraignment hearing.

23 ~~(11) The court shall review the necessity for a~~
24 ~~child's continued placement in a shelter in the same manner as~~
25 ~~the initial placement decision was made and shall make a~~
26 ~~determination regarding the continued placement:~~

27 ~~(a) Within 24 hours after any violation of the time~~
28 ~~requirements for the filing of a petition or the holding of an~~
29 ~~arraignment hearing as prescribed in subsection (8); or~~

30 ~~(b) Prior to the court's granting any delay as~~
31 ~~specified in subsection (10).~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 58. Section 39.407, Florida Statutes, is
2 amended to read:

3 39.407 Medical, psychiatric, and psychological
4 examination and treatment of child; physical or mental
5 examination of parent, ~~guardian~~, or person requesting custody
6 of child.--

7 (1) When any child is taken into custody and is to be
8 detained in shelter care, the department is authorized to have
9 a medical screening performed on the child without
10 authorization from the court and without consent from a parent
11 or legal custodian ~~guardian~~. Such medical screening shall be
12 performed by a licensed health care professional and shall be
13 to examine the child for injury, illness, and communicable
14 diseases and to determine the need for immunization. The
15 department shall by rule establish the invasiveness of the
16 medical procedures authorized to be performed under this
17 subsection. In no case does this subsection authorize the
18 department to consent to medical treatment for such children.

19 (2) When the department has performed the medical
20 screening authorized by subsection (1), or when it is
21 otherwise determined by a licensed health care professional
22 that a child who is in the custody of the department, but who
23 has not been committed to the department ~~pursuant to s. 39.41~~,
24 is in need of medical treatment, including the need for
25 immunization, consent for medical treatment shall be obtained
26 in the following manner:

27 (a)1. Consent to medical treatment shall be obtained
28 from a parent or legal custodian ~~guardian~~ of the child; or

29 2. A court order for such treatment shall be obtained.

30 (b) If a parent or legal custodian ~~guardian~~ of the
31 child is unavailable and his or her whereabouts cannot be

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 reasonably ascertained, and it is after normal working hours
2 so that a court order cannot reasonably be obtained, an
3 authorized agent of the department shall have the authority to
4 consent to necessary medical treatment, including
5 immunization, for the child. The authority of the department
6 to consent to medical treatment in this circumstance shall be
7 limited to the time reasonably necessary to obtain court
8 authorization.

9 (c) If a parent or legal custodian ~~guardian~~ of the
10 child is available but refuses to consent to the necessary
11 treatment, including immunization, a court order shall be
12 required unless the situation meets the definition of an
13 emergency in s. 743.064 or the treatment needed is related to
14 suspected abuse, abandonment, or neglect of the child by a
15 parent, caregiver, or legal custodian ~~or guardian~~. In such
16 case, the department shall have the authority to consent to
17 necessary medical treatment. This authority is limited to the
18 time reasonably necessary to obtain court authorization.

19

20 In no case shall the department consent to sterilization,
21 abortion, or termination of life support.

22 (3) A judge may order a child in the physical custody
23 of the department to be examined by a licensed health care
24 professional. The judge may also order such child to be
25 evaluated by a psychiatrist or a psychologist, by a district
26 school board educational needs assessment team, or, if a
27 developmental disability is suspected or alleged, by the
28 developmental disability diagnostic and evaluation team of the
29 department. If it is necessary to place a child in a
30 residential facility for such evaluation, then the criteria
31 and procedure established in s. 394.463(2) or chapter 393

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 shall be used, whichever is applicable. The educational needs
2 assessment provided by the district school board educational
3 needs assessment team shall include, but not be limited to,
4 reports of intelligence and achievement tests, screening for
5 learning disabilities and other handicaps, and screening for
6 the need for alternative education as defined in s. 230.23
7 ~~230.2315(2)~~.

8 (4) A judge may order a child in the physical custody
9 of the department to be treated by a licensed health care
10 professional based on evidence that the child should receive
11 treatment. The judge may also order such child to receive
12 mental health or retardation services from a psychiatrist,
13 psychologist, or other appropriate service provider. If it is
14 necessary to place the child in a residential facility for
15 such services, then the procedures and criteria established in
16 s. 394.467 or chapter 393 shall be used, whichever is
17 applicable. A child may be provided mental health or
18 retardation services in emergency situations, pursuant to the
19 procedures and criteria contained in s. 394.463(1) or chapter
20 393, whichever is applicable.

21 (5) When a child is in the physical custody of the
22 department, a licensed health care professional shall be
23 immediately called if there are indications of physical injury
24 or illness, or the child shall be taken to the nearest
25 available hospital for emergency care.

26 (6) Except as otherwise provided herein, nothing in
27 this section shall be deemed to eliminate the right of a
28 parent, legal custodian ~~guardian~~, or the child to consent to
29 examination or treatment for the child.

30 (7) Except as otherwise provided herein, nothing in
31 this section shall be deemed to alter the provisions of s.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 743.064.

2 (8) A court shall not be precluded from ordering
3 services or treatment to be provided to the child by a duly
4 accredited practitioner who relies solely on spiritual means
5 for healing in accordance with the tenets and practices of a
6 church or religious organization, when required by the child's
7 health and when requested by the child.

8 (9) Nothing in this section shall be construed to
9 authorize the permanent sterilization of the child unless such
10 sterilization is the result of or incidental to medically
11 necessary treatment to protect or preserve the life of the
12 child.

13 (10) For the purpose of obtaining an evaluation or
14 examination, or receiving treatment as authorized pursuant to
15 this ~~section subsection~~, no child alleged to be or found to be
16 dependent shall be placed in a detention home or other program
17 used primarily for the care and custody of children alleged or
18 found to have committed delinquent acts.

19 (11) The parents or legal custodian ~~guardian~~ of a
20 child in the physical custody of the department remain
21 financially responsible for the cost of medical treatment
22 provided to the child even if either one or both of the
23 parents or if the legal custodian ~~guardian~~ did not consent to
24 the medical treatment. After a hearing, the court may order
25 the parents or legal custodian ~~guardian~~, if found able to do
26 so, to reimburse the department or other provider of medical
27 services for treatment provided.

28 (12) Nothing in this section alters the authority of
29 the department to consent to medical treatment for a dependent
30 child when the child has been committed to the department
31 ~~pursuant to s. 39.41~~, and the department has become the legal

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 | custodian of the child.

2 | (13) At any time after the filing of a shelter
3 | petition or petition for dependency, when the mental or
4 | physical condition, including the blood group, of a parent,
5 | caregiver, legal custodian ~~guardian~~, or other person
6 | requesting custody of a child is in controversy, the court may
7 | order the person to submit to a physical or mental examination
8 | by a qualified professional. The order may be made only upon
9 | good cause shown and pursuant to notice and procedures as set
10 | forth by the Florida Rules of Juvenile Procedure.

11 | Section 59. Section 39.4033, Florida Statutes, is
12 | renumbered as section 39.4075, Florida Statutes, and amended
13 | to read:

14 | 39.4075 ~~39.4033~~ Referral of a dependency case to
15 | mediation.--

16 | (1) At any stage in a dependency proceeding, ~~the case~~
17 | ~~staffing committee or~~ any party may request the court to refer
18 | the parties to mediation in accordance with chapter 44 and
19 | rules and procedures developed by the Supreme Court.

20 | (2) A court may refer the parties to mediation. When
21 | such services are available, the court must determine whether
22 | it is in the best interests of the child to refer the parties
23 | to mediation.

24 | (3) The department shall advise the parties ~~parents or~~
25 | ~~legal guardians~~ that they are responsible for contributing to
26 | the cost of the dependency ~~family~~ mediation to the extent of
27 | their ability to pay.

28 | (4) This section applies only to courts in counties in
29 | which dependency mediation programs have been established and
30 | does not require the establishment of such programs in any
31 | county.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 60. Part VI of chapter 39, Florida Statutes,
 2 consisting of sections 39.501, 39.502, 39.503, 39.504, 39.505,
 3 39.506, 39.507, 39.508, 39.5085, 39.509, and 39.5101, Florida
 4 Statutes, shall be entitled to read:

5 PART VI

6 PETITION, ARRAIGNMENT, ADJUDICATION,

7 AND DISPOSITION

8 Section 61. Section 39.404, Florida Statutes, is
 9 renumbered as section 39.501, Florida Statutes, and amended to
 10 read:

11 39.501 ~~39.404~~ Petition for dependency.--

12 (1) All proceedings seeking an adjudication that a
 13 child is dependent shall be initiated by the filing of a
 14 petition by an attorney for the department, or any other
 15 person who has knowledge of the facts alleged or is informed
 16 of them and believes that they are true.

17 (2) The purpose of a petition seeking the adjudication
 18 of a child as a dependent child is the protection of the child
 19 and not the punishment of the person creating the condition of
 20 dependency.

21 (3)(a) The petition shall be in writing, shall
 22 identify and list all parents, if known, and all current
 23 caregivers or legal custodians of the child, and shall be
 24 signed by the petitioner under oath stating the petitioner's
 25 good faith in filing the petition. When the petition is filed
 26 by the department, it shall be signed by an attorney for the
 27 department.

28 (b) The form of the petition and its contents shall be
 29 determined by rules of juvenile procedure adopted by the
 30 Supreme Court.

31 (c) The petition must specifically set forth the acts

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 or omissions upon which the petition is based and the identity
2 of the person or persons alleged to have committed the acts or
3 omissions, if known. The petition need not contain allegations
4 of acts or omissions by both parents.

5 (d) The petitioner must state in the petition, if
6 known, whether:

7 1. A parent, legal custodian, or caregiver person
8 ~~responsible for the child's welfare~~ named in the petition has
9 previously unsuccessfully participated in voluntary services
10 offered by the department;

11 2. A parent ~~or, legal custodian, or person responsible~~
12 ~~for the child's welfare~~ named in the petition has participated
13 in mediation and whether a mediation agreement exists;

14 3. A parent ~~or, legal custodian, or person responsible~~
15 ~~for the child's welfare~~ has rejected the voluntary services
16 offered by the department; or

17 4. The department has determined that voluntary
18 services are not appropriate for this family and the reasons
19 for such determination.

20 (4) When a child has been placed in shelter status by
21 order of the court ~~the child has been taken into custody~~, a
22 petition alleging dependency must be filed within 7 days upon
23 demand of a party, but no later than 21 days after the shelter
24 hearing after the date the child is taken into custody. In all
25 other cases, the petition must be filed within a reasonable
26 time after the date the child was referred to protective
27 investigation ~~under s. 39.403~~. The child's parent, guardian,
28 or custodian must be served with a copy of the petition at
29 least 72 hours before the arraignment hearing.

30 (5) A petition for termination of parental rights
31 ~~under s. 39.464~~ may be filed at any time.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 62. Section 39.405, Florida Statutes, as
2 amended by chapter 97-276, Laws of Florida, is renumbered as
3 section 39.502, Florida Statutes, and amended to read:

4 39.502 ~~39.405~~ Notice, process, and service.--

5 (1) Unless parental rights have been terminated, all
6 parents and legal custodians must be notified of all
7 proceedings or hearings involving the child. Notice in cases
8 involving shelter hearings and hearings resulting from medical
9 emergencies must be that most likely to result in actual
10 notice to the parents and legal custodians. In all other
11 dependency proceedings, notice must be provided in accordance
12 with subsections (4) through (9).

13 (2) Personal appearance of any person in a hearing
14 before the court obviates the necessity of serving process on
15 that person.

16 (3) Upon the filing of a petition containing
17 allegations of facts which, if true, would establish that the
18 child is a dependent child, and upon the request of the
19 petitioner, the clerk or deputy clerk shall issue a summons.

20 (4) The summons shall require the person on whom it is
21 served to appear for a hearing at a time and place specified,
22 not less than 24 hours after service of the summons. A copy
23 of the petition shall be attached to the summons.

24 (5) The summons shall be directed to, and shall be
25 served upon, all parties other than the petitioner.

26 (6) It is the duty of the petitioner or moving party
27 to notify all participants and parties known to the petitioner
28 or moving party of all hearings subsequent to the initial
29 hearing unless notice is contained in prior court orders and
30 these orders were provided to the participant or party. Proof
31 of notice or provision of orders may be provided by certified

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 mail with a signed return receipt.

2 (7) Service of the summons and service of pleadings,
3 papers, and notices subsequent to the summons on persons
4 outside this state must be made pursuant to s. 61.1312.

5 (8) It is not necessary to the validity of a
6 proceeding covered by this part that the parents, caregivers,
7 or legal custodians be present if their identity or residence
8 is unknown after a diligent search has been made, but in this
9 event the petitioner shall file an affidavit of diligent
10 search prepared by the person who made the search and inquiry,
11 and the court may appoint a guardian ad litem for the child.

12 (9) When an affidavit of diligent search has been
13 filed under subsection (8), the petitioner shall continue to
14 search for and attempt to serve the person sought until
15 excused from further search by the court. The petitioner shall
16 report on the results of the search at each court hearing
17 until the person is identified or located or further search is
18 excused by the court.

19 (10)(9) Service by publication shall not be required
20 for dependency hearings and the failure to serve a party or
21 give notice to a participant shall not affect the validity of
22 an order of adjudication or disposition if the court finds
23 that the petitioner has completed a diligent search for that
24 party or participant.

25 (11)(10) Upon the application of a party or the
26 petitioner, the clerk or deputy clerk shall issue, and the
27 court on its own motion may issue, subpoenas requiring
28 attendance and testimony of witnesses and production of
29 records, documents, and other tangible objects at any hearing.

30 (12)(11) All process and orders issued by the court
31 shall be served or executed as other process and orders of the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 circuit court and, in addition, may be served or executed by
2 authorized agents of the department or the guardian ad litem.

3 ~~(13)~~(12) Subpoenas may be served within the state by
4 any person over 18 years of age who is not a party to the
5 proceeding and, in addition, may be served by authorized
6 agents of the department.

7 ~~(14)~~(13) No fee shall be paid for service of any
8 process or other papers by an agent of the department or the
9 guardian ad litem. If any process, orders, or any other papers
10 are served or executed by any sheriff, the sheriff's fees
11 shall be paid by the county.

12 ~~(14) Failure of a person served with notice to respond~~
13 ~~or appear at the arraignment hearing constitutes the person's~~
14 ~~consent to a dependency adjudication. The document containing~~
15 ~~the notice to respond or appear must contain, in type at least~~
16 ~~as large as the balance of the document, the following or~~
17 ~~substantially similar language: "FAILURE TO RESPOND TO THIS~~
18 ~~NOTICE OR TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE~~
19 ~~ADJUDICATION OF THIS CHILD (OR THESE CHILDREN) AS DEPENDENT~~
20 ~~CHILDREN AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS~~
21 ~~CHILD."~~

22 (15) A party who is identified as a person with mental
23 illness or with a developmental disability ~~developmentally~~
24 ~~disabled person~~ must be informed by the court of the
25 availability of advocacy services through the department, the
26 Association for Retarded Citizens, or other appropriate mental
27 health or developmental disability advocacy groups and
28 encouraged to seek such services.

29 (16) If the party to whom an order is directed is
30 present or represented at the final hearing, service of the
31 order is not required.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (17) The parent or legal custodian of the child, the
2 attorney for the department, the guardian ad litem, and all
3 other parties and participants shall be given reasonable
4 notice of all hearings provided for under this part.

5 (18) In all proceedings under this chapter, the court
6 shall provide to the parent or legal custodian of the child,
7 at the conclusion of any hearing, a written notice containing
8 the date of the next scheduled hearing. The court shall also
9 include the date of the next hearing in any order issued by
10 the court.

11 Section 63. Section 39.4051, Florida Statutes, as
12 amended by chapter 97-276, Laws of Florida, is renumbered as
13 section 39.503, Florida Statutes, and amended to read:

14 39.503 ~~39.4051~~ Identity or location of parent or legal
15 custodian unknown; special procedures.--

16 (1) If the identity or location of a parent or legal
17 custodian is unknown and a petition for dependency or shelter
18 is filed, the court shall conduct the following inquiry of the
19 parent or legal custodian who is available, or, if no parent
20 or legal custodian is available, of any relative or custodian
21 of the child who is present at the hearing and likely to have
22 the information:

23 (a) Whether the mother of the child was married at the
24 probable time of conception of the child or at the time of
25 birth of the child.

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

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

31 (d) Whether the mother has named any man as the father

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 on the birth certificate of the child or in connection with
2 applying for or receiving public assistance.

3 (e) Whether any man has acknowledged or claimed
4 paternity of the child in a jurisdiction in which the mother
5 resided at the time of or since conception of the child, or in
6 which the child has resided or resides.

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

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

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

16 (5) If the inquiry under subsection (1) identifies a
17 parent or prospective parent, and that person's location is
18 unknown, the court shall direct the department to ~~shall~~
19 conduct a diligent search for that person before ~~the~~
20 scheduling ~~of~~ a disposition hearing regarding the dependency
21 of the child unless the court finds that the best interest of
22 the child requires proceeding without notice to the person
23 whose location is unknown.

24 (6) The diligent search required by subsection (5)
25 must include, at a minimum, inquiries of all relatives of the
26 parent or prospective parent made known to the petitioner,
27 inquiries of all offices of program areas of the department
28 likely to have information about the parent or prospective
29 parent, inquiries of other state and federal agencies likely
30 to have information about the parent or prospective parent,
31 inquiries of appropriate utility and postal providers, and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 inquiries of appropriate law enforcement agencies. Pursuant to
2 s. 453 of the Social Security Act, 42 U.S.C. 653(c)(B)(4), the
3 department, as the state agency administering Titles IV-B and
4 IV-E of the act, shall be provided access to the federal and
5 state parent locator service for diligent search activities.

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

10 (8) If the inquiry and diligent search identifies a
11 prospective parent, that person must be given the opportunity
12 to become a party to the proceedings by completing a sworn
13 affidavit of parenthood and filing it with the court or the
14 department. A prospective parent who files a sworn affidavit
15 of parenthood while the child is a dependent child but no
16 later than at the time of or prior to the adjudicatory hearing
17 in any termination of parental rights proceeding for the child
18 shall be considered a parent for all purposes under this
19 section unless the other parent contests the determination of
20 parenthood. If the known parent contests the recognition of
21 the prospective parent as a parent, the prospective parent
22 shall not be recognized as a parent until proceedings under
23 chapter 742 have been concluded. However, the prospective
24 parent shall continue to receive notice of hearings as a
25 participant pending results of the chapter 742 proceedings.

26 Section 64. Section 39.4055, Florida Statutes, is
27 renumbered as section 39.504, Florida Statutes, and amended to
28 read:

29 39.504 ~~39.4055~~ Injunction pending disposition of
30 petition for ~~detention or~~ dependency; penalty.--

31 (1)(a) When a petition for detention or a petition for

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 dependency has been filed or when a child has been taken into
2 custody and reasonable cause, as defined in paragraph (b),
3 exists, the court, upon the request of the department, a law
4 enforcement officer, the state attorney, or other responsible
5 person, or upon its own motion, shall have the authority to
6 issue an injunction to prevent any act of child abuse or any
7 unlawful sexual offense involving a child.

8 (b) Reasonable cause for the issuance of an injunction
9 exists if there is evidence of child abuse or an unlawful
10 sexual offense involving a child or if there is a reasonable
11 likelihood of such abuse or offense occurring based upon a
12 recent overt act or failure to act.

13 (2)(a) Notice shall be provided to the parties as set
14 forth in the Florida Rules of Juvenile Procedure, unless the
15 child is reported to be in imminent danger, in which case the
16 court may issue an injunction immediately. A judge may issue
17 an emergency injunction pursuant to this section without
18 notice at times when the court is closed for the transaction
19 of judicial business. When such an immediate injunction is
20 issued, the court shall hold a hearing on the next day of
21 judicial business either to dissolve the injunction or to
22 continue or modify it in accordance with the other provisions
23 of this section.

24 ~~(b) A judge may issue an emergency injunction pursuant~~
25 ~~to this section at times when the court is closed for the~~
26 ~~transaction of judicial business. The court shall hold a~~
27 ~~hearing on the next day of judicial business either to~~
28 ~~dissolve the emergency injunction or to continue or modify it~~
29 ~~in accordance with the other provisions of this section.~~

30 (3)(a) In every instance in which an injunction is
31 issued under this section, the purpose of the injunction shall

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 be primarily to protect and promote the best interests of the
2 child, taking the preservation of the child's immediate family
3 into consideration. The effective period of the injunction
4 shall be determined by the court, except that the injunction
5 will expire at the time of the disposition of the petition for
6 detention or dependency.

7 (b) The injunction shall apply to the alleged or
8 actual offender in a case of child abuse or an unlawful sexual
9 offense involving a child. The conditions of the injunction
10 shall be determined by the court, which conditions may include
11 ordering the alleged or actual offender to:

- 12 1. Refrain from further abuse or unlawful sexual
13 activity involving a child.
- 14 2. Participate in a specialized treatment program.
- 15 3. Limit contact or communication with the child
16 victim, other children in the home, or any other child.
- 17 4. Refrain from contacting the child at home, school,
18 work, or wherever the child may be found.
- 19 5. Have limited or supervised visitation with the
20 child.
- 21 6. Pay temporary support for the child or other family
22 members; the costs of medical, psychiatric, and psychological
23 treatment for the child victim incurred as a result of the
24 offenses; and similar costs for other family members.
- 25 7. Vacate the home in which the child resides.

26 (c) At any time prior to the disposition of the
27 petition, the alleged or actual offender may offer the court
28 evidence of changed circumstances as a ground to dissolve or
29 modify the injunction.

30 (4) A copy of any injunction issued pursuant to this
31 section shall be delivered to the protected party, or a parent

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 or caregiver or ~~an~~ individual acting in the place of a parent
2 who is not the respondent, and to any law enforcement agency
3 having jurisdiction to enforce such injunction. Upon delivery
4 of the injunction to the appropriate law enforcement agency,
5 the agency shall have the duty and responsibility to enforce
6 the injunction.

7 (5) Any person who fails to comply with an injunction
8 issued pursuant to this section is guilty of a misdemeanor of
9 the first degree, punishable as provided in s. 775.082 or s.
10 775.083.

11 Section 65. Section 39.406, Florida Statutes, is
12 renumbered as section 39.505, Florida Statutes, and amended to
13 read:

14 39.505 ~~39.406~~ No answer required.--No answer to the
15 petition or any other pleading need be filed by any child,
16 parent, or legal custodian, but any matters which might be set
17 forth in an answer or other pleading may be pleaded orally
18 before the court or filed in writing as any such person may
19 choose. Notwithstanding the filing of an answer or any
20 pleading, the respondent ~~child or parent~~ shall, prior to an
21 adjudicatory hearing, be advised by the court of the right to
22 counsel and shall be given an opportunity to deny the
23 allegations in the petition for dependency or to enter a plea
24 to allegations in the petition before the court.

25 Section 66. Section 39.408, Florida Statutes, is
26 renumbered as section 39.506, Florida Statutes, and amended to
27 read:

28 39.506 ~~39.408~~ Arrest ~~Arrestment~~ hearings for ~~dependency~~
29 ~~cases~~.--

30 (1) ~~ARRAIGNMENT HEARING~~---

31 ~~(a)~~ When a child has been detained by order of the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 court, an arraignment hearing must be held, within 7 days
2 ~~after the date of filing of the dependency petition 14 days~~
3 ~~from the date the child is taken into custody~~, for the parent,
4 guardian, or legal custodian to admit, deny, or consent to
5 findings of dependency alleged in the petition. If the parent,
6 guardian, or legal custodian admits or consents to the
7 findings in the petition, the court shall proceed as set forth
8 in the Florida Rules of Juvenile Procedure. However, if the
9 parent, guardian, or legal custodian denies any of the
10 allegations of the petition, the court shall hold an
11 adjudicatory hearing within 30 days after ~~7 days from~~ the date
12 of the arraignment hearing unless a continuance is granted
13 pursuant to this chapter s. 39.402(11).

14 (2)(b) When a child is in the custody of the parent,
15 guardian, or legal custodian, upon the filing of a petition
16 the clerk shall set a date for an arraignment hearing within a
17 reasonable time after the date of the filing. If the parent,
18 guardian, or legal custodian admits or consents to an
19 adjudication, the court shall proceed as set forth in the
20 Florida Rules of Juvenile Procedure. However, if the parent,
21 guardian, or legal custodian denies any of the allegations of
22 dependency, the court shall hold an adjudicatory hearing
23 within a reasonable time after the date of the arraignment
24 hearing.

25 (3) Failure of a person served with notice to respond
26 or appear at the arraignment hearing constitutes the person's
27 consent to a dependency adjudication. The document containing
28 the notice to respond or appear must contain, in type at least
29 as large as the balance of the document, the following or
30 substantially similar language: "FAILURE TO RESPOND TO THIS
31 NOTICE OR TO PERSONALLY APPEAR AT THE ARRAIGNMENT HEARING

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR
2 CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN) AND MAY
3 ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR
4 CHILDREN)."

5 (4) At the arraignment hearing, each party shall
6 provide to the court a permanent mailing address. The court
7 shall advise each party that this address will be used by the
8 court and the petitioner for notice purposes unless and until
9 the party notifies the court and the petitioner in writing of
10 a new mailing address.

11 (5)(c) If at the arraignment hearing the parent,
12 guardian, or legal custodian consents or admits to the
13 allegations in the petition, the court shall proceed to hold a
14 dispositional hearing no more than 15 days after the date of
15 the arraignment hearing unless a continuance is necessary at
16 the earliest practicable time that will allow for the
17 completion of a predisposition study.

18 (6) At any arraignment hearing, the court shall order
19 visitation rights absent a clear and convincing showing that
20 visitation is not in the best interest of the child.

21 (7) The court shall review whether the department has
22 made a reasonable effort to prevent or eliminate the need for
23 removal or continued removal of the child from the home. If
24 the court determines that the department has not made such an
25 effort, the court shall order the department to provide
26 appropriate and available services to assure the protection of
27 the child in the home when such services are necessary for the
28 child's physical, mental, or emotional health and safety.

29 (8) At the arraignment hearing, and no more than 15
30 days thereafter, the court shall review the necessity for the
31 child's continued placement in the shelter. The court shall

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 also make a written determination regarding the child's
2 continued placement in the shelter within 24 hours after any
3 violation of the time requirements for the filing of a
4 petition or prior to the court's granting any continuance as
5 specified in subsection (5).

6 (9) At the conclusion of the arraignment hearing, all
7 parties shall be notified in writing by the court of the date,
8 time, and location for the next scheduled hearing.

9 ~~(2) ADJUDICATORY HEARING.--~~

10 ~~(a) The adjudicatory hearing shall be held as soon as~~
11 ~~practicable after the petition for dependency is filed and in~~
12 ~~accordance with the Florida Rules of Juvenile Procedure, but~~
13 ~~reasonable delay for the purpose of investigation, discovery,~~
14 ~~or procuring counsel or witnesses shall, whenever practicable,~~
15 ~~be granted. If the child is in custody, the time limitations~~
16 ~~provided in s. 39.402 and subsection (1) of this section~~
17 ~~apply.~~

18 ~~(b) Adjudicatory hearings shall be conducted by the~~
19 ~~judge without a jury, applying the rules of evidence in use in~~
20 ~~civil cases and adjourning the hearings from time to time as~~
21 ~~necessary. In a hearing on a petition in which it is alleged~~
22 ~~that the child is dependent, a preponderance of evidence will~~
23 ~~be required to establish the state of dependency. Any evidence~~
24 ~~presented in the dependency hearing which was obtained as the~~
25 ~~result of an anonymous call must be independently~~
26 ~~corroborated. In no instance shall allegations made in an~~
27 ~~anonymous report of abuse be sufficient to support an~~
28 ~~adjudication of dependency in the absence of corroborating~~
29 ~~evidence.~~

30 ~~(c) All hearings, except as provided in this section,~~
31 ~~shall be open to the public, and a person may not be excluded~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~except on special order of the judge, who may close any~~
2 ~~hearing to the public upon determining that the public~~
3 ~~interest or the welfare of the child is best served by so~~
4 ~~doing. However, the parents shall be allowed to obtain~~
5 ~~discovery pursuant to the Florida Rules of Juvenile Procedure.~~
6 ~~However, nothing in this paragraph shall be construed to~~
7 ~~affect the provisions of s. 415.51(9). Hearings involving more~~
8 ~~than one child may be held simultaneously when the children~~
9 ~~involved are related to each other or were involved in the~~
10 ~~same case. The child and the parents or legal custodians of~~
11 ~~the child may be examined separately and apart from each~~
12 ~~other.~~

13 ~~(3) DISPOSITION HEARING.--At the disposition hearing,~~
14 ~~if the court finds that the facts alleged in the petition for~~
15 ~~dependency were proven in the adjudicatory hearing, or if the~~
16 ~~parents have consented to the finding of dependency or~~
17 ~~admitted the allegations in the petition, have failed to~~
18 ~~appear for the arraignment hearing after proper notice, or~~
19 ~~have not been located despite a diligent search having been~~
20 ~~conducted, the court shall receive and consider a~~
21 ~~predisposition study, which must be in writing and presented~~
22 ~~by an authorized agent of the department.~~

23 ~~(a) The predisposition study shall cover for any~~
24 ~~dependent child all factors specified in s. 61.13(3), and must~~
25 ~~also provide the court with the following documented~~
26 ~~information:~~

27 ~~1. An assessment defining the dangers and risks of~~
28 ~~returning the child home, including a description of the~~
29 ~~changes in and resolutions to the initial risks.~~

30 ~~2. A description of what risks are still present and~~
31 ~~what resources are available and will be provided for the~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

- 1 ~~protection and safety of the child.~~
- 2 3. ~~A description of the benefits of returning the~~
- 3 ~~child home.~~
- 4 4. ~~A description of all unresolved issues.~~
- 5 5. ~~An abuse registry history for all caretakers,~~
- 6 ~~family members, and individuals residing within the household.~~
- 7 6. ~~The complete child protection team report and~~
- 8 ~~recommendation or, if no report exists, a statement reflecting~~
- 9 ~~that no report has been made.~~
- 10 7. ~~All opinions or recommendations from other~~
- 11 ~~professionals or agencies that provide evaluative, social,~~
- 12 ~~reunification, or other services to the family.~~
- 13 8. ~~The availability of appropriate prevention and~~
- 14 ~~reunification services for the family to prevent the removal~~
- 15 ~~of the child from the home or to reunify the child with the~~
- 16 ~~family after removal, including the availability of family~~
- 17 ~~preservation services through the Family Builders Program, the~~
- 18 ~~Intensive Crisis Counseling Program, or both.~~
- 19 9. ~~The inappropriateness of other prevention and~~
- 20 ~~reunification services that were available.~~
- 21 10. ~~The efforts by the department to prevent~~
- 22 ~~out-of-home placement of the child or, when applicable, to~~
- 23 ~~reunify the family if appropriate services were available,~~
- 24 ~~including the application of intensive family preservation~~
- 25 ~~services through the Family Builders Program, the Intensive~~
- 26 ~~Crisis Counseling Program, or both.~~
- 27 11. ~~Whether the services were provided to the family~~
- 28 ~~and child.~~
- 29 12. ~~If the services were provided, whether they were~~
- 30 ~~sufficient to meet the needs of the child and the family and~~
- 31 ~~to enable the child to remain at home or to be returned home.~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~13. If the services were not provided, the reasons for~~
2 ~~such lack of action.~~

3 ~~14. The need for, or appropriateness of, continuing~~
4 ~~the services if the child remains in the custody of the family~~
5 ~~or if the child is placed outside the home.~~

6 ~~15. Whether family mediation was provided.~~

7 ~~16. Whether a multidisciplinary case staffing was~~
8 ~~conducted and, if so, the results.~~

9 ~~17. If the child has been removed from the home and~~
10 ~~there is a parent who may be considered for custody pursuant~~
11 ~~to s. 39.41(1), a recommendation as to whether placement of~~
12 ~~the child with that parent would be detrimental to the child.~~

13 ~~(b) If placement of the child with anyone other than~~
14 ~~the child's parent or custodian is being considered, the study~~
15 ~~shall include the designation of a specific length of time as~~
16 ~~to when custody by the parent or custodian will be~~
17 ~~reconsidered.~~

18 ~~(c) A copy of the predisposition study must be~~
19 ~~furnished to all parties no later than 48 hours before the~~
20 ~~disposition hearing.~~

21 ~~(d) The predisposition study may not be made before~~
22 ~~the adjudication of dependency unless the parents or~~
23 ~~custodians of the child consent.~~

24
25 ~~Any other relevant and material evidence, including other~~
26 ~~written or oral reports, may be received by the court in its~~
27 ~~effort to determine the action to be taken with regard to the~~
28 ~~child and may be relied upon to the extent of its probative~~
29 ~~value, even though not competent in an adjudicatory hearing.~~
30 ~~Except as provided in paragraph (2)(c), nothing in this~~
31 ~~section prohibits the publication of proceedings in a hearing.~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~(4) NOTICE OF HEARINGS.--The parent or legal custodian~~
2 ~~of the child, the attorney for the department, the guardian ad~~
3 ~~litem, and all other parties and participants shall be given~~
4 ~~reasonable notice of all hearings provided for under this~~
5 ~~section.~~

6 Section 67. Section 39.409, Florida Statutes, is
7 renumbered as section 39.507, Florida Statutes, and amended to
8 read:

9 39.507 39.409 Adjudicatory hearings;orders of
10 adjudication.--

11 (1)(a) The adjudicatory hearing shall be held as soon
12 as practicable after the petition for dependency is filed and
13 in accordance with the Florida Rules of Juvenile Procedure,
14 but no later than 30 days after the arraignment.

15 (b) Adjudicatory hearings shall be conducted by the
16 judge without a jury, applying the rules of evidence in use in
17 civil cases and adjourning the hearings from time to time as
18 necessary. In a hearing on a petition in which it is alleged
19 that the child is dependent, a preponderance of evidence will
20 be required to establish the state of dependency. Any evidence
21 presented in the dependency hearing which was obtained as the
22 result of an anonymous call must be independently
23 corroborated. In no instance shall allegations made in an
24 anonymous report of abuse, abandonment, or neglect be
25 sufficient to support an adjudication of dependency in the
26 absence of corroborating evidence.

27 (2) All hearings, except as provided in this section,
28 shall be open to the public, and a person may not be excluded
29 except on special order of the judge, who may close any
30 hearing to the public upon determining that the public
31 interest or the welfare of the child is best served by so

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 doing. However, the parents shall be allowed to obtain
2 discovery pursuant to the Florida Rules of Juvenile Procedure.
3 However, nothing in this subsection shall be construed to
4 affect the provisions of s. 39.202. Hearings involving more
5 than one child may be held simultaneously when the children
6 involved are related to each other or were involved in the
7 same case. The child and the parents, caregivers, or legal
8 custodians of the child may be examined separately and apart
9 from each other.

10 (3) Except as otherwise specifically provided, nothing
11 in this section prohibits the publication of the proceedings
12 in a hearing.

13 (4)(1) If the court finds at the adjudicatory hearing
14 that the child named in a petition is not dependent, it shall
15 enter an order so finding and dismissing the case.

16 (5)(2) If the court finds that the child named in the
17 petition is dependent, but finds that no action other than
18 supervision in the child's home is required, it may enter an
19 order briefly stating the facts upon which its finding is
20 based, but withholding an order of adjudication and placing
21 the child's home under the supervision of the department. If
22 the court later finds that the parents, caregivers, or legal
23 custodians of the child have not complied with the conditions
24 of supervision imposed, the court may, after a hearing to
25 establish the noncompliance, but without further evidence of
26 the state of dependency, enter an order of adjudication and
27 shall thereafter have full authority under this chapter to
28 provide for the child as adjudicated.

29 (6)(3) If the court finds that the child named in a
30 petition is dependent, but shall elect not to proceed under
31 subsection(5)(2), it shall incorporate that finding in an

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 order of adjudication entered in the case, briefly stating the
2 facts upon which the finding is made, and the court shall
3 thereafter have full authority under this chapter to provide
4 for the child as adjudicated.

5 (7) At the conclusion of the adjudicatory hearing, if
6 the child named in the petition is found dependent, the court
7 shall schedule the disposition hearing within 30 days after
8 the filing of the adjudicatory order. All parties shall be
9 notified in writing by the court of the date, time, and
10 location of the disposition hearing.

11 ~~(8)(4)~~ An order of adjudication by a court that a
12 child is dependent shall not be deemed a conviction, nor shall
13 the child be deemed to have been found guilty or to be a
14 criminal by reason of that adjudication, nor shall that
15 adjudication operate to impose upon the child any of the civil
16 disabilities ordinarily imposed by or resulting from
17 conviction or disqualify or prejudice the child in any civil
18 service application or appointment.

19 Section 68. Section 39.41, Florida Statutes, as
20 amended by chapter 97-276, Laws of Florida, is renumbered as
21 section 39.508, Florida Statutes, and amended to read:

22 39.508 39.41 Powers of disposition.--

23 (1) At the disposition hearing, if the court finds
24 that the facts alleged in the petition for dependency were
25 proven in the adjudicatory hearing, or if the parents,
26 caregivers, or legal custodians have consented to the finding
27 of dependency or admitted the allegations in the petition,
28 have failed to appear for the arraignment hearing after proper
29 notice, or have not been located despite a diligent search
30 having been conducted, the court shall receive and consider a
31 case plan and a predisposition study, which must be in writing

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 and presented by an authorized agent of the department.

2 (2) The predisposition study shall cover for any
3 dependent child all factors specified in s. 61.13(3), and must
4 also provide the court with the following documented
5 information:

6 (a) An assessment defining the dangers and risks of
7 returning the child home, including a description of the
8 changes in and resolutions to the initial risks.

9 (b) A description of what risks are still present and
10 what resources are available and will be provided for the
11 protection and safety of the child.

12 (c) A description of the benefits of returning the
13 child home.

14 (d) A description of all unresolved issues.

15 (e) An abuse registry history and criminal records
16 check for all caregivers, family members, and individuals
17 residing within the household.

18 (f) The complete child protection team report and
19 recommendation or, if no report exists, a statement reflecting
20 that no report has been made.

21 (g) All opinions or recommendations from other
22 professionals or agencies that provide evaluative, social,
23 reunification, or other services to the family.

24 (h) The availability of appropriate prevention and
25 reunification services for the family to prevent the removal
26 of the child from the home or to reunify the child with the
27 family after removal, including the availability of family
28 preservation services through the Family Builders Program, the
29 Intensive Crisis Counseling Program, or both.

30 (i) The inappropriateness of other prevention and
31 reunification services that were available.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (j) The efforts by the department to prevent
2 out-of-home placement of the child or, when applicable, to
3 reunify the family if appropriate services were available,
4 including the application of intensive family preservation
5 services through the Family Builders Program, the Intensive
6 Crisis Counseling Program, or both.

7 (k) Whether the services were provided to the family
8 and child.

9 (l) If the services were provided, whether they were
10 sufficient to meet the needs of the child and the family and
11 to enable the child to remain safely at home or to be returned
12 home.

13 (m) If the services were not provided, the reasons for
14 such lack of action.

15 (n) The need for, or appropriateness of, continuing
16 the services if the child remains in the custody of the family
17 or if the child is placed outside the home.

18 (o) Whether family mediation was provided.

19 (p) If the child has been removed from the home and
20 there is a parent, caregiver, or legal custodian who may be
21 considered for custody pursuant to this section, a
22 recommendation as to whether placement of the child with that
23 parent, caregiver, or legal custodian would be detrimental to
24 the child.

25 (q) If the child has been removed from the home and
26 will be remaining with a relative or caregiver, a home study
27 report shall be included in the predisposition report.

28
29 Any other relevant and material evidence, including other
30 written or oral reports, may be received by the court in its
31 effort to determine the action to be taken with regard to the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 child and may be relied upon to the extent of its probative
2 value, even though not competent in an adjudicatory hearing.
3 Except as otherwise specifically provided, nothing in this
4 section prohibits the publication of proceedings in a hearing.

5 (3)(a) Prior to recommending to the court any
6 out-of-home placement for a child other than placement in a
7 licensed shelter or foster home, the department shall conduct
8 a study of the home of the proposed caregivers, which must
9 include, at a minimum:

10 1. An interview with the proposed adult caregivers to
11 assess their ongoing commitment and ability to care for the
12 child.

13 2. Records checks through the department's automated
14 abuse information system, and local and statewide criminal and
15 juvenile records checks through the Department of Law
16 Enforcement, on all household members 12 years of age or older
17 and any other persons made known to the department who are
18 frequent visitors in the home.

19 3. An assessment of the physical environment of the
20 home.

21 4. A determination of the financial security of the
22 proposed caregivers.

23 5. A determination of suitable child care arrangements
24 if the proposed caregivers are employed outside of the home.

25 6. Documentation of counseling and information
26 provided to the proposed caregivers regarding the dependency
27 process and possible outcomes.

28 7. Documentation that information regarding support
29 services available in the community has been provided to the
30 caregivers.

31 (b) The department shall not place the child or

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 continue the placement of the child in the home of the
2 proposed caregivers if the results of the home study are
3 unfavorable.

4 (4) If placement of the child with anyone other than
5 the child's parent, caregiver, or legal custodian is being
6 considered, the predisposition study shall include the
7 designation of a specific length of time as to when custody by
8 the parent, caregiver, or legal custodian will be
9 reconsidered.

10 (5) The predisposition study may not be made before
11 the adjudication of dependency unless the parents, caregivers,
12 or legal custodians of the child consent.

13 (6) A case plan and predisposition study must be filed
14 with the court and served upon the parents, caregivers, or
15 legal custodians of the child, provided to the representative
16 of the guardian ad litem program, if the program has been
17 appointed, and provided to all other parties not less than 72
18 hours before the disposition hearing. All such case plans must
19 be approved by the court. If the court does not approve the
20 case plan at the disposition hearing, the court must set a
21 hearing within 30 days after the disposition hearing to review
22 and approve the case plan.

23 (7) The initial judicial review must be held no later
24 than 90 days after the date of the disposition hearing or
25 after the date of the hearing at which the court approves the
26 case plan, but in no event shall the review be held later than
27 6 months after the date of the child's removal from the home.

28 (8)(1) When any child is adjudicated by a court to be
29 dependent, and the court finds that removal of the child from
30 the custody of a parent, legal custodian, or caregiver is
31 necessary, the court shall first determine whether there is a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 parent with whom the child was not residing at the time the
2 events or conditions arose that brought the child within the
3 jurisdiction of the court who desires to assume custody of the
4 child and, if such parent requests custody, the court shall
5 place the child with the parent unless it finds that such
6 placement would endanger the safety, ~~and~~ well-being, or
7 physical, mental, or emotional health of the child. Any party
8 with knowledge of the facts may present to the court evidence
9 regarding whether the placement will endanger the safety, ~~and~~
10 well-being, or physical, mental, or emotional health of the
11 child. If the court places the child with such parent, it may
12 do either of the following:

13 (a) Order that the parent become the legal and
14 physical custodian of the child. The court may also provide
15 for reasonable visitation by the noncustodial parent. The
16 court shall then terminate its jurisdiction over the child.
17 The custody order shall continue unless modified by a
18 subsequent order of the court. The order of the juvenile court
19 shall be filed in any dissolution or other custody action or
20 proceeding between the parents.

21 (b) Order that the parent assume custody subject to
22 the jurisdiction of the juvenile court. The court may order
23 that reunification services be provided to the parent, ~~or~~
24 caregiver, or legal custodian ~~or guardian~~ from whom the child
25 has been removed, that services be provided solely to the
26 parent who is assuming physical custody in order to allow that
27 parent to retain later custody without court jurisdiction, or
28 that services be provided to both parents, in which case the
29 court shall determine at every review hearing ~~hearings held~~
30 ~~every 6 months~~ which parent, if either, shall have custody of
31 the child. The standard for changing custody of the child from

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 one parent to another or to a relative or caregiver must meet
2 the home study criteria and court approval pursuant to this
3 chapter at the review hearings shall be the same standard as
4 applies to changing custody of the child in a custody hearing
5 following a decree of dissolution of marriage.

6 (9)(2)(a) When any child is adjudicated by a court to
7 be dependent, the court having jurisdiction of the child has
8 the power, by order, to:

9 1. Require the parent, caregiver, or legal guardian,
10 or custodian, and the child when appropriate, to participate
11 in treatment and services identified as necessary.

12 2. Require the parent, caregiver, or legal guardian,
13 or custodian, and the child when appropriate, to participate
14 in mediation if the parent, caregiver, or legal guardian, or
15 custodian refused to participate in mediation under s.
16 39-4033.

17 3. Place the child under the protective supervision of
18 an authorized agent of the department, either in the child's
19 own home or, the prospective custodian being willing, in the
20 home of a relative of the child or of a caregiver ~~an adult~~
21 ~~nonrelative~~ approved by the court, or in some other suitable
22 place under such reasonable conditions as the court may
23 direct. ~~Whenever the child is placed under protective~~
24 ~~supervision pursuant to this section, the department shall~~
25 ~~prepare a case plan and shall file it with the court.~~

26 Protective supervision continues until the court terminates it
27 or until the child reaches the age of 18, whichever date is
28 first. Protective supervision shall ~~may~~ be terminated by the
29 court whenever the court determines that permanency has been
30 achieved for the child ~~the child's placement~~, whether with a
31 parent, another relative, a legal custodian, or a caregiver,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~or a nonrelative, is stable~~ and that protective supervision is
2 no longer needed. The termination of supervision may be with
3 or without retaining jurisdiction, at the court's discretion,
4 and shall in either case be considered a permanency option for
5 the child. The order terminating supervision by the
6 department ~~of Children and Family Services~~ shall set forth the
7 powers of the custodian of the child and shall include the
8 powers ordinarily granted to a guardian of the person of a
9 minor unless otherwise specified.

10 4. Place the child in the temporary legal custody of
11 an adult relative or caregiver ~~an adult nonrelative~~ approved
12 by the court who is willing to care for the child.

13 5.a. When the parents have failed to comply with a
14 case plan and the court determines at a judicial review
15 hearing, or at an adjudication hearing held pursuant to s-
16 ~~39.453, or at a hearing held pursuant to subparagraph (1)(a)7.~~
17 ~~of this section,~~ that neither reunification, termination of
18 parental rights, nor adoption is in the best interest of the
19 child, the court may place the child in the long-term custody
20 of an adult relative or caregiver ~~adult nonrelative~~ approved
21 by the court willing to care for the child, if the following
22 conditions are met:

23 (I) A case plan describing the responsibilities of the
24 relative or caregiver ~~nonrelative~~, the department, and any
25 other party must have been submitted to the court.

26 (II) The case plan for the child does not include
27 reunification with the parents or adoption by the relative or
28 caregiver.

29 (III) The child and the relative or caregiver
30 ~~nonrelative custodian~~ are determined not to need protective
31 supervision or preventive services to ensure the stability of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 the long-term custodial relationship, or the department
2 assures the court that protective supervision or preventive
3 services will be provided in order to ensure the stability of
4 the long-term custodial relationship.

5 (IV) Each party to the proceeding agrees that a
6 long-term custodial relationship does not preclude the
7 possibility of the child returning to the custody of the
8 parent at a later date.

9 (V) The court has considered the reasonable preference
10 of the child if the court has found the child to be of
11 sufficient intelligence, understanding, and experience to
12 express a preference.

13 (VI) The court has considered the recommendation of
14 the guardian ad litem if one has been appointed.

15 b. The court shall retain jurisdiction over the case,
16 and the child shall remain in the long-term custody of the
17 relative or caregiver ~~nonrelative~~ approved by the court until
18 the order creating the long-term custodial relationship is
19 modified by the court. The court may relieve the department of
20 the responsibility for supervising the placement of the child
21 whenever the court determines that the placement is stable and
22 that such supervision is no longer needed. Notwithstanding
23 the retention of jurisdiction, the placement shall be
24 considered a permanency option for the child when the court
25 relieves the department of the responsibility for supervising
26 the placement. The order terminating supervision by the
27 department of ~~Children and Family Services~~ shall set forth the
28 powers of the custodian of the child and shall include the
29 powers ordinarily granted to a guardian of the person of a
30 minor unless otherwise specified. The court may modify the
31 order terminating supervision of the long-term relative or

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~caregiver nonrelative~~ placement if it finds that a party to
2 the proceeding has shown a material change in circumstances
3 which causes the long-term relative or ~~caregiver nonrelative~~
4 placement to be no longer in the best interest of the child.

5 6.a. Approve placement of the child in long-term
6 ~~out-of-home foster~~ care, when the following conditions are
7 met:

8 (I) The foster child is 16 years of age or older,
9 unless the court determines that the history or condition of a
10 younger child makes long-term ~~out-of-home foster~~ care the most
11 appropriate placement.

12 (II) The child demonstrates no desire to be placed in
13 an independent living arrangement pursuant to this subsection.

14 (III) The department's social services study pursuant
15 to ~~part VIII s. 39.453(6)(a)~~ recommends long-term ~~out-of-home~~
16 ~~foster~~ care.

17 b. Long-term ~~out-of-home foster~~ care under the above
18 conditions shall not be considered a permanency option.

19 c. The court may approve placement of the child in
20 long-term ~~out-of-home foster~~ care, as a permanency option,
21 when all of the following conditions are met:

22 (I) The child is 14 years of age or older,

23 (II) The child is living in a licensed home and the
24 foster parents desire to provide care for the child on a
25 permanent basis and the foster parents and the child do not
26 desire adoption,

27 (III) The foster family has made a commitment to
28 provide for the child until he or she reaches the age of
29 majority and to prepare the child for adulthood and
30 independence, and

31 (IV) The child has remained in the home for a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 continuous period of no less than 12 months.

2 (V) The foster parents and the child view one another
3 as family and consider living together as the best place for
4 the child to be on a permanent basis.

5 (VI) The department's social services study recommends
6 such placement and finds the child's well-being has been
7 promoted through living with the foster parents.

8 d. Notwithstanding the retention of jurisdiction and
9 supervision by the department, long-term out-of-home foster
10 care placements made pursuant to ~~sub-subparagraph (2)(a)6.c.~~
11 ~~of~~ this section shall be considered a permanency option for
12 the child. For purposes of this subsection, supervision by
13 the department shall be defined as a minimum of semiannual
14 visits. The order placing the child in long-term out-of-home
15 foster care as a permanency option shall set forth the powers
16 of the custodian of the child and shall include the powers
17 ordinarily granted to a guardian of the person of a minor
18 unless otherwise specified. The court may modify the
19 permanency option of long-term out-of-home foster care if it
20 finds that a party to the proceeding has shown a material
21 change in circumstances which causes the placement to be no
22 longer in the best interests of the child.

23 e. Approve placement of the child in an independent
24 living arrangement for any foster child 16 years of age or
25 older, if it can be clearly established that this type of
26 alternate care arrangement is the most appropriate plan and
27 that the health, safety, and well-being of the child will not
28 be jeopardized by such an arrangement. While in independent
29 living situations, children whose legal custody has been
30 awarded to the department or a licensed child-caring or
31 child-placing agency, or who have been voluntarily placed with

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 such an agency by a parent, guardian, relative, or adult
2 nonrelative approved by the court, continue to be subject to
3 court review provisions.

4 ~~7. Commit the child to a licensed child-caring agency~~
5 ~~willing to receive the child. Continued commitment to the~~
6 ~~licensed child-caring agency, as well as all other proceedings~~
7 ~~under this section pertaining to the child, are also governed~~
8 ~~by part V of this chapter.~~

9 ~~7.8.~~ Commit the child to the temporary legal custody
10 of the department. Such commitment invests in the department
11 all rights and responsibilities of a legal custodian. The
12 department shall not return any child to the physical care and
13 custody of the person from whom the child was removed, except
14 for short visitation periods, without the approval of the
15 court. The term of such commitment continues until terminated
16 by the court or until the child reaches the age of 18. After
17 the child is committed to the temporary custody of the
18 department, all further proceedings under this section are
19 also governed by ~~part V~~ of this chapter.

20 ~~8.9.a.~~ Change the temporary legal custody or the
21 conditions of protective supervision at a postdisposition
22 hearing subsequent to the initial detention hearing, without
23 the necessity of another adjudicatory hearing. A child who has
24 been placed in the child's own home under the protective
25 supervision of an authorized agent of the department, in the
26 home of a relative, in the home of a legal custodian or
27 caregiver nonrelative, or in some other place may be brought
28 before the court by the agent of the department who is
29 supervising the placement or by any other interested person,
30 upon the filing of a petition alleging a need for a change in
31 the conditions of protective supervision or the placement. If

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 the parents or other custodians deny the need for a change,
2 the court shall hear all parties in person or by counsel, or
3 both. Upon the admission of a need for a change or after such
4 hearing, the court shall enter an order changing the
5 placement, modifying the conditions of protective supervision,
6 or continuing the conditions of protective supervision as
7 ordered. The standard for changing custody of the child from
8 one parent to another or to a relative or caregiver must meet
9 the home study criteria and court approval pursuant to this
10 chapter.

11 b. In cases where the issue before the court is
12 whether a child should be reunited with a parent, the court
13 shall determine whether the parent has substantially complied
14 with the terms of the case plan to the extent that the
15 ~~well-being and safety, well-being, and physical, mental, and~~
16 emotional health of the child is not endangered by the return
17 of the child to the home.

18 ~~10. Approve placement of the child in an independent~~
19 ~~living arrangement for any foster child 16 years of age or~~
20 ~~older, if it can be clearly established that this type of~~
21 ~~alternate care arrangement is the most appropriate plan and~~
22 ~~that the safety and welfare of the child will not be~~
23 ~~jeopardized by such an arrangement. While in independent~~
24 ~~living situations, children whose legal custody has been~~
25 ~~awarded to the department or a licensed child-caring or~~
26 ~~child-placing agency, or who have been voluntarily placed with~~
27 ~~such an agency by a parent, guardian, relative, or adult~~
28 ~~nonrelative approved by the court, continue to be subject to~~
29 ~~the court review provisions of s. 39.453.~~

30 (b) The court shall, in its written order of
31 disposition, include all of the following:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

- 1 1. The placement or custody of the child as provided
- 2 in paragraph (a).
- 3 2. Special conditions of placement and visitation.
- 4 3. Evaluation, counseling, treatment activities, and
- 5 other actions to be taken by the parties, if ordered.
- 6 4. The persons or entities responsible for supervising
- 7 or monitoring services to the child and family.
- 8 5. Continuation or discharge of the guardian ad litem,
- 9 as appropriate.
- 10 6. The date, time, and location of the next scheduled
- 11 review hearing, which must occur within 90 days after the
- 12 disposition hearing or within the earlier of:
- 13 a. Six months after the date of the last review
- 14 hearing; or
- 15 b. Six months after the date of the child's removal
- 16 from his or her home, if no review hearing has been held since
- 17 the child's removal from the home.~~The period of time or date~~
- 18 ~~for any subsequent case review required by law.~~
- 19 7. Other requirements necessary to protect the health,
- 20 safety, and well-being of the child, to preserve the stability
- 21 of the child's educational placement,and to promote family
- 22 preservation or reunification whenever possible.
- 23 (c) If the court finds that the prevention or
- 24 reunification efforts of the department will allow the child
- 25 to remain safely at home or be safely returned to the home,
- 26 the court shall allow the child to remain in or return to the
- 27 home after making a specific finding of fact that the reasons
- 28 for removal have been remedied to the extent that the child's
- 29 safety, and well-being, and physical, mental, and emotional
- 30 health will not be endangered.
- 31 ~~(d)(5)(a)~~ If the court commits the child to the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 temporary legal custody of the department, the disposition
2 order must include a written determination that the child
3 cannot safely remain at home with reunification or family
4 preservation services and that removal of the child is
5 necessary to protect the child. If the child has been removed
6 before the disposition hearing, the order must also include a
7 written determination as to whether, after removal, the
8 department has made a reasonable effort to reunify the family.
9 The department has the burden of demonstrating that it has
10 made reasonable efforts under this paragraph subsection.

11 1.(b) For the purposes of this paragraph subsection,
12 the term "reasonable effort" means the exercise of reasonable
13 diligence and care by the department to provide the services
14 delineated in the case plan.

15 2.(c) In support of its determination as to whether
16 reasonable efforts have been made, the court shall:

17 a.1. Enter written findings as to whether or not
18 prevention or reunification efforts were indicated.

19 b.2. If prevention or reunification efforts were
20 indicated, include a brief written description of what
21 appropriate and available prevention and reunification efforts
22 were made.

23 c.3. Indicate in writing why further efforts could or
24 could not have prevented or shortened the separation of the
25 family.

26 3.(d) A court may find that the department has made a
27 reasonable effort to prevent or eliminate the need for removal
28 if:

29 a.1. The first contact of the department with the
30 family occurs during an emergency.

31 b.2. The appraisal by the department of the home

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 situation indicates that it presents a substantial and
2 immediate danger to the child's safety or physical, mental, or
3 emotional health ~~child~~ which cannot be mitigated by the
4 provision of preventive services.

5 ~~c.3-~~ The child cannot safely remain at home, either
6 because there are no preventive services that can ensure the
7 health and safety of the child or, even with appropriate and
8 available services being provided, the health and safety of
9 the child cannot be ensured.

10 ~~4.(e)~~ A reasonable effort by the department for
11 reunification of the family has been made if the appraisal of
12 the home situation by the department indicates that the
13 severity of the conditions of dependency is such that
14 reunification efforts are inappropriate. The department has
15 the burden of demonstrating to the court that reunification
16 efforts were inappropriate.

17 ~~5.(f)~~ If the court finds that the prevention or
18 reunification effort of the department would not have
19 permitted the child to remain safely at home, the court may
20 commit the child to the temporary legal custody of the
21 department or take any other action authorized by this chapter
22 part.

23 ~~(10)(3)~~(a) When any child is adjudicated by the court
24 to be dependent and temporary legal custody of the child has
25 been placed with an adult relative, legal custodian, or
26 caregiver ~~or adult nonrelative~~ approved by the court ~~willing~~
27 ~~to care for the child~~, a licensed child-caring agency, or the
28 department, the court shall, unless a parent has voluntarily
29 executed a written surrender for purposes of adoption, order
30 the parents, or the guardian of the child's estate if
31 possessed of assets which under law may be disbursed for the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 care, support, and maintenance of the child, to pay child
2 support to the adult relative, legal custodian, or caregiver
3 ~~or nonrelative~~ caring for the child, the licensed child-caring
4 agency, or the department. The court may exercise jurisdiction
5 over all child support matters, shall adjudicate the financial
6 obligation, including health insurance, of the child's parents
7 or guardian, and shall enforce the financial obligation as
8 provided in chapter 61. The state's child support enforcement
9 agency shall enforce child support orders under this section
10 in the same manner as child support orders under chapter 61.

11 (b) Placement of the child pursuant to subsection (8)
12 ~~(1)~~ shall not be contingent upon issuance of a support order.

13 (11)~~(4)~~(a) If the court does not commit the child to
14 the temporary legal custody of an adult relative, legal
15 custodian, or caregiver ~~or adult nonrelative~~ approved by the
16 court, the disposition order shall include the reasons for
17 such a decision and shall include a determination as to
18 whether diligent efforts were made by the department to locate
19 an adult relative, legal custodian, or caregiver willing to
20 care for the child in order to present that placement option
21 to the court instead of placement with the department.

22 (b) If diligent efforts are ~~a diligent search is~~ made
23 to locate an adult relative willing and able to care for the
24 child but, because no suitable relative is found, the child is
25 placed with the department or a legal custodian or caregiver
26 ~~nonrelative custodian~~, both the department and the court shall
27 consider transferring temporary legal custody to an ~~a willing~~
28 adult relative ~~or adult nonrelative~~ approved by the court at a
29 later date, but neither the department nor the court is
30 obligated to so place the child if it is in the child's best
31 interest to remain in the current placement. For the purposes

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 of this paragraph, "diligent efforts to locate an adult
2 relative" means a search similar to the diligent search for a
3 parent, but without the continuing obligation to search after
4 an initial adequate search is completed.

5 (12)(6) An agency granted legal custody shall have the
6 right to determine where and with whom the child shall live,
7 but an individual granted legal custody shall exercise all
8 rights and duties personally unless otherwise ordered by the
9 court.

10 (13)(7) In carrying out the provisions of this
11 chapter, the court may order the natural parents, caregivers,
12 or legal custodians ~~guardian~~ of a child who is found to be
13 dependent to participate in family counseling and other
14 professional counseling activities deemed necessary for the
15 rehabilitation of the child.

16 (14)(8) With respect to a child who is the subject in
17 proceedings under ~~part V~~ of this chapter, the court shall
18 issue to the department an order to show cause why it should
19 not return the child to the custody of the natural parents,
20 legal custodians, or caregivers upon expiration of the case
21 plan, or sooner if the parents, legal custodians, or
22 caregivers have substantially complied with the case plan.

23 (15)(9) The court may at any time enter an order
24 ending its jurisdiction over any child, except that, when a
25 child has been returned to the parents under subsection (14)
26 ~~(8)~~, the court shall not terminate its jurisdiction over the
27 child until 6 months after the child's return. Based on a
28 report of the department or agency or the child's guardian ad
29 litem, and any other relevant factors, the court shall then
30 determine whether its jurisdiction should be continued or
31 terminated in such a case; if its jurisdiction is to be

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 terminated, the court shall enter an order to that effect.

2 Section 69. Section 39.5085, Florida Statutes, is
3 created to read:

4 39.5085 Relative-Caregiver Program.--

5 (1) It is the intent of the Legislature in enacting
6 this section to:

7 (a) Recognize family relationships in which a
8 grandparent or other relative is the head of a household that
9 includes a child otherwise at risk of foster care placement.

10 (b) Enhance family preservation and stability by
11 recognizing that most children in such placements with
12 grandparents and other relatives do not need intensive
13 supervision of the placement by the courts or by the
14 department.

15 (c) Provide additional placement options and
16 incentives that will achieve permanency and stability for many
17 children who are otherwise at risk of foster care placement
18 because of abuse, abandonment, or neglect, but who may
19 successfully be able to be placed by the dependency court in
20 the care of such relatives.

21 (d) Reserve the limited casework and supervisory
22 resources of the courts and the department for those cases in
23 which children do not have the option for safe, stable care
24 within the family.

25 (2)(a) The Department of Children and Family Services
26 shall establish and operate the Relative-Caregiver Program
27 pursuant to eligibility guidelines established in this section
28 as further implemented by rule of the department. The
29 Relative-Caregiver Program shall, within the limits of
30 available funding, provide financial assistance to relatives
31 who are within the fifth degree by blood or marriage to the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 parent or stepparent of a child and who are caring full-time
2 for that child in the role of substitute parent as a result of
3 a departmental determination of child abuse, neglect, or
4 abandonment and subsequent placement with the relative
5 pursuant to chapter 39. Such placement may be either
6 court-ordered temporary legal custody to the relative pursuant
7 to s. 39.508(9) or court-ordered placement in the home of a
8 relative under protective supervision of the department
9 pursuant to s. 39.508(9). The Relative-Caregiver Program shall
10 offer financial assistance to caregivers who are relatives and
11 who would be unable to serve in that capacity without the
12 relative-caregiver payment because of financial burden, thus
13 exposing the child to the trauma of placement in a shelter or
14 in foster care.

15 (b) Caregivers who are relatives and who receive
16 assistance under this section must be capable, as determined
17 by a home study, of providing a physically safe environment
18 and a stable, supportive home for the children under their
19 care, and must assure that the children's well-being is met,
20 including, but not limited to, the provision of immunizations,
21 education, and mental health services as needed.

22 (c) Relatives who qualify for and participate in the
23 Relative-Caregiver Program are not required to meet foster
24 care licensing requirements under s. 409.175.

25 (d) Relatives who are caring for children placed with
26 them by the child protection system shall receive a special
27 monthly relative-caregiver benefit established by rule of the
28 department. The amount of the special benefit payment shall be
29 based on the child's age within a payment schedule established
30 by rule of the department and subject to availability of
31 funding. The statewide average monthly rate for children

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 judicially placed with relatives who are not licensed as
2 foster homes may not exceed 82 percent of the statewide
3 average foster care rate, nor may the cost of providing the
4 assistance described in this section to any relative-caregiver
5 exceed the cost of providing out-of-home care in emergency
6 shelter or foster care.

7 (e) Children receiving cash benefits under this
8 section are not eligible to simultaneously receive WAGES cash
9 benefits under chapter 414.

10 (f) Within available funding, the Relative-Caregiver
11 Program shall provide relative-caregivers with family support
12 and preservation services, flexible funds in accordance with
13 s. 409.165, subsidized child care, and other available
14 services in order to support the child's safety, growth, and
15 healthy development. Children living with relative-caregivers
16 who are receiving assistance under this section shall be
17 eligible for medicaid coverage.

18 (g) The department may use appropriate available
19 state, federal, and private funds to operate the
20 Relative-Caregiver Program.

21 Section 70. Section 39.4105, Florida Statutes, is
22 renumbered as section 39.509, Florida Statutes, and amended to
23 read:

24 39.509 39.4105 Grandparents rights.--Notwithstanding
25 any other provision of law, a maternal or paternal grandparent
26 as well as a stepgrandparent is entitled to reasonable
27 visitation with his or her grandchild who has been adjudicated
28 a dependent child and taken from the physical custody of the
29 ~~his or her~~ parent, custodian, legal guardian, or caregiver
30 unless the court finds that such visitation is not in the best
31 interest of the child or that such visitation would interfere

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 with the goals of the case plan ~~pursuant to s. 39.451.~~

2 Reasonable visitation may be unsupervised and, where
3 appropriate and feasible, may be frequent and continuing.

4 (1) Grandparent visitation may take place in the home
5 of the grandparent unless there is a compelling reason for
6 denying such a visitation. The department's caseworker shall
7 arrange the visitation to which a grandparent is entitled
8 pursuant to this section. The state shall not charge a fee
9 for any costs associated with arranging the visitation.
10 However, the grandparent shall pay for the child's cost of
11 transportation when the visitation is to take place in the
12 grandparent's home. The caseworker shall document the reasons
13 for any decision to restrict a grandparent's visitation.

14 (2) A grandparent entitled to visitation pursuant to
15 this section shall not be restricted from appropriate displays
16 of affection to the child, such as appropriately hugging or
17 kissing his or her grandchild. Gifts, cards, and letters from
18 the grandparent and other family members shall not be denied
19 to a child who has been adjudicated a dependent child.

20 (3) Any attempt by a grandparent to facilitate a
21 meeting between the child who has been adjudicated a dependent
22 child and the child's parent, custodian, legal guardian, or
23 caregiver in violation of a court order shall automatically
24 terminate future visitation rights of the grandparent.

25 (4) When the child has been returned to the physical
26 custody of his or her parent or permanent custodian, legal
27 guardian, or caregiver, the visitation rights granted pursuant
28 to this section shall terminate.

29 (5) The termination of parental rights does not affect
30 the rights of grandparents unless the court finds that such
31 visitation is not in the best interest of the child or that

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 such visitation would interfere with the goals of permanency
2 planning for the child.

3 ~~(6)~~(5) In determining whether grandparental visitation
4 is not in the child's best interest, consideration may be
5 given to the finding of guilt, regardless of adjudication, or
6 entry or plea of guilty or nolo contendere to charges under
7 the following statutes, or similar statutes of other
8 jurisdictions: s. 787.04, relating to removing minors from
9 the state or concealing minors contrary to court order; s.
10 794.011, relating to sexual battery; s. 798.02, relating to
11 lewd and lascivious behavior; chapter 800, relating to
12 lewdness and indecent exposure; or chapter 827, relating to
13 the abuse of children. Consideration may also be given to a
14 finding of confirmed abuse, abandonment, or neglect under ss.
15 415.101-415.113 or this chapter and ~~ss. 415.502-415.514~~.

16 Section 71. Section 39.413, Florida Statutes, is
17 renumbered as section 39.5101, Florida Statutes, and
18 subsection (1) of said section is amended to read:

19 39.5101 ~~39.413~~ Appeal.--

20 (1) Any child, ~~any~~ parent, guardian ad litem,
21 caregiver, or legal custodian of any child, any other party to
22 the proceeding who is affected by an order of the court, or
23 the department may appeal to the appropriate district court of
24 appeal within the time and in the manner prescribed by the
25 Florida Rules of Appellate Procedure. Appointed counsel shall
26 be compensated as provided in this chapter ~~s. 39.415~~.

27 Section 72. Part VII of chapter 39, Florida Statutes,
28 consisting of sections 39.601, 39.602, and 39.603, Florida
29 Statutes, shall be entitled to read:

30 PART VII
31 CASE PLANS

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 73. Section 39.4031, Florida Statutes, are
2 renumbered as section 39.601, Florida Statutes, and amended to
3 read:

4 39.601 ~~39.4031~~ Case plan requirements.--

5 (1) The department or agent of the department shall
6 develop a case plan for each child or child's family receiving
7 services pursuant to this chapter ~~who is a party to any~~
8 ~~dependency proceeding, activity, or process under this part.~~
9 A parent, caregiver, or legal guardian, or custodian of a
10 child may not be required or nor coerced through threat of
11 loss of custody or parental rights to admit in the case plan
12 to abusing, neglecting, or abandoning a child. Where
13 dependency mediation services are available and appropriate to
14 the best interests of the child, the court may refer the case
15 to mediation for development of a case plan. This section does
16 not change the provisions of s. 39.807 ~~39.464~~.

17 ~~(2) The case plan must be:~~

18 (a) The case plan must be developed in conference with
19 the parent, caregiver, or legal guardian, or custodian of the
20 child ~~and, if appropriate, the child and any court-appointed~~
21 ~~guardian ad litem and, if appropriate, the child. Any parent~~
22 ~~who believes that his or her perspective has not been~~
23 ~~considered in the development of a case plan may request~~
24 ~~referral to mediation pursuant to s. 39.4033 when such~~
25 ~~services are available.~~

26 (b) The case plan must be written simply and clearly
27 in English and, if English is not the principal language of
28 the child's parent, caregiver, or legal guardian, or
29 custodian, to the extent possible in such principal language.

30 (c) The case plan must describe the minimum number of
31 face-to-face meetings to be held each month between the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 parents, caregivers, or legal custodians and the department's
2 caseworkers to review progress of the plan, to eliminate
3 barriers to progress, and to resolve conflicts or
4 disagreements.

5 ~~(d)(e)~~ The case plan must be subject to modification
6 based on changing circumstances.

7 ~~(e)(d)~~ The case plan must be signed by all parties.

8 ~~(f)(e)~~ The case plan must be reasonable, accurate, and
9 in compliance with the requirements of other court orders.

10 ~~(2)(3)~~ When the child or family is receiving services
11 ~~in the child's home~~, the case plan must ~~be developed within 30~~
12 ~~days from the date of the department's initial contact with~~
13 ~~the child, or within 30 days of the date of a disposition~~
14 ~~order placing the child under the protective supervision of~~
15 ~~the department in the child's own home~~, and must include, in
16 addition to the requirements in subsection ~~(1)(2)~~, at a
17 minimum:

18 (a) A description of the problem being addressed that
19 includes the behavior or act of a parent, legal custodian, or
20 caregiver resulting in risk to the child and the reason for
21 the department's intervention.

22 (b) A description of the services to be provided to
23 the family and child specifically addressing the identified
24 problem, including:

- 25 1. Type of services or treatment.
- 26 2. Frequency of services or treatment.
- 27 3. Location of the delivery of the services.
- 28 4. The accountable department staff or service
29 provider.

30 ~~5. The need for a multidisciplinary case staffing~~
31 ~~under s. 39.4032.~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (c) A description of the measurable objectives,
2 including timeframes for achieving objectives, addressing the
3 identified problem.

4 ~~(3)(4)~~ When the child is receiving services in a
5 placement outside the child's home or in foster care, the case
6 plan must be submitted to the court for approval at the
7 disposition hearing prepared within 30 days after placement
8 ~~and also be approved by the court~~ and must include, in
9 addition to the requirements in subsections (1) and (2) and
10 ~~(3)~~, at a minimum:

11 (a) A description of the permanency goal for the
12 child, including the type of placement. Reasonable efforts to
13 place a child for adoption or with a legal guardian may be
14 made concurrently with reasonable efforts to prevent removal
15 of the child from the home or make it possible for the child
16 to return safely home.

17 (b) A description of the type of home or institution
18 in which the child is to be placed.

19 (c) A description of the financial support obligation
20 to the child, including health insurance, of the child's
21 parent, parents, caregiver, or legal custodian or guardian.

22 (d) A description of the visitation rights and
23 obligations of the parent or parents, caregiver, or legal
24 custodian during the period the child is in care.

25 (e) A discussion of the safety and appropriateness of
26 the child's placement, which placement is intended to be safe,
27 ~~in~~ the least restrictive and most family-like setting
28 available consistent with the best interest and special needs
29 of the child, and in as close proximity as possible to the
30 child's home. The plan must also establish the role for the
31 foster parents or custodians in the development of the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 services that are to be provided to the child, foster parents,
2 or legal custodians. It must also address the child's need for
3 services while under the jurisdiction of the court and
4 implementation of these services in the case plan.

5 (f) A description of the efforts to be undertaken to
6 maintain the stability of the child's educational placement.

7 (g)(f) A discussion of the department's plans to carry
8 out the judicial determination made by the court, with respect
9 to the child, in accordance with this chapter and applicable
10 federal regulations.

11 (h)(g) A description of the plan for assuring that
12 services outlined in the case plan are provided to the child
13 and the child's parent or parents, legal custodians, or
14 caregivers, to improve the conditions in the family home and
15 facilitate either the safe return of the child to the home or
16 the permanent placement of the child.

17 (i)(h) A description of the plan for assuring that
18 services as outlined in the case plan are provided to the
19 child and the child's parent or parents, legal custodians, or
20 caregivers, to address the needs of the child and a discussion
21 of the appropriateness of the services.

22 (j)(i) A description of the plan for assuring that
23 services are provided to the child and foster parents to
24 address the needs of the child while in foster care, which
25 shall include an itemized list of costs to be borne by the
26 parent or caregiver associated with any services or treatment
27 that the parent and child are expected to receive.

28 (k)(j) A written notice to the parent that failure of
29 the parent to substantially comply with the case plan may
30 result in the termination of parental rights, and that a
31 material failure to substantially comply may result in the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 filing of a petition for termination of parental rights sooner
2 than the compliance periods set forth in the case plan itself.
3 The child protection team shall coordinate its effort with the
4 case staffing committee.

5 (1) In the case of a child for whom the permanency
6 plan is adoption or placement in another permanent home,
7 documentation of the steps the agency is taking to find an
8 adoptive family or other permanent living arrangement for the
9 child; to place the child with an adoptive family, with a fit
10 and willing relative, with a legal guardian, or in another
11 planned permanent living arrangement; and to finalize the
12 adoption or legal guardianship. At a minimum, such
13 documentation shall include child-specific recruitment efforts
14 such as the use of state, regional, and national adoption
15 exchanges, including electronic exchange systems.

16 (4)(5) In the event that the parents, legal
17 custodians, or caregivers are unwilling or unable to
18 participate in the development of a case plan, the department
19 shall document that unwillingness or inability to participate.
20 Such documentation must be provided and provide in writing to
21 the parent, legal custodians, or caregivers when available for
22 the court record, and then the department shall prepare a case
23 plan conforming as nearly as possible with the requirements
24 set forth in this section. The unwillingness or inability of
25 the parents, legal custodians, or caregivers to participate in
26 the development of a case plan shall not in itself bar the
27 filing of a petition for dependency or for termination of
28 parental rights. The parents, legal custodians, or caregivers,
29 if available, must be provided a copy of the case plan and be
30 advised that they may, at any time prior to the filing of a
31 petition for termination of parental rights, enter into a case

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 plan and that they may request judicial review of any
2 provision of the case plan with which they disagree at any
3 court review hearing set for the child.

4 ~~(5)(6)~~ The services delineated in the case plan must
5 be designed to improve the conditions in the family home and
6 aid in maintaining the child in the home, to facilitate the
7 safe return of the child to the family home, or to facilitate
8 the permanent placement of the child. The service intervention
9 must be the least intrusive possible into the life of the
10 family, must focus on clearly defined objectives, and must
11 provide the most efficient path to quick reunification or
12 permanent placement, with the child's health and safety being
13 paramount. To the extent possible, the service intervention
14 must be grounded in outcome evaluation results that
15 demonstrate success in the reunification or permanent
16 placement process. In designing service interventions,
17 generally recognized standards of the professions involved in
18 the process must be taken into consideration.

19 (6) After jurisdiction attaches, all case plans must
20 be filed with the court and a copy provided to the parents,
21 caregivers, or legal custodians of the child, to the
22 representative of the guardian ad litem program if the program
23 has been appointed, and to all other parties, not less than 72
24 hours before the disposition hearing. All such case plans must
25 be approved by the court. The department shall also file with
26 the court all case plans prepared before jurisdiction of the
27 court attached. If the court does not accept the case plan,
28 the court shall require the parties to make necessary
29 modifications to the plan. An amended plan must be submitted
30 to the court for review and approval within 30 days after the
31 hearing on the case plan.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (7) The case plan must be limited to as short a period
2 as possible for the accomplishment of its provisions. Unless
3 extended, the plan expires no later than 12 months after the
4 date the child was initially removed from the home or the date
5 the case plan was accepted by the court, whichever comes
6 first.

7 (8) The case plan must meet applicable federal and
8 state requirements.

9 (9)(a) In each case in which the custody of a child
10 has been vested, either voluntarily or involuntarily, in the
11 department and the child has been placed in out-of-home care,
12 a case plan must be prepared within 60 days after the
13 department removes the child from the home, and shall be
14 submitted to the court before the disposition hearing, for the
15 court to review and accept. If the preparation of a case plan,
16 in conference with the parents and other pertinent parties,
17 cannot be completed before the disposition hearing, for good
18 cause shown, the court may grant an extension not to exceed 30
19 days and set a hearing to review and accept the case plan.

20 (b) The parent or parents, legal custodians, or
21 caregivers may receive assistance from any person, or social
22 service agency in the preparation of the case plan.

23 (c) The social service agency, the department, and the
24 court, when applicable, shall inform the parent or parents,
25 legal custodians, or caregivers of the right to receive such
26 assistance, including the right to assistance of counsel.

27 (d) Before the signing of the case plan, the
28 authorized agent of the department shall explain it to all
29 persons involved in its implementation, including, when
30 appropriate, the child.

31 (e) After the case plan has been agreed upon and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 signed by the parties involved, a copy of the plan must be
2 given immediately to the parents, the department or agency,
3 the foster parents or caregivers, the legal custodian, the
4 caregiver, the representative of the guardian ad litem program
5 if the program is appointed, and any other parties identified
6 by the court, including the child, if appropriate.

7 (f) The case plan may be amended at any time if all
8 parties are in agreement regarding the revisions to the plan
9 and the plan is submitted to the court with a memorandum of
10 explanation. The case plan may also be amended by the court or
11 upon motion of any party at a hearing, based on competent
12 evidence demonstrating the need for the amendment. A copy of
13 the amended plan must be immediately given to the parties
14 specified in paragraph (e).

15 (10) A case plan must be prepared, but need not be
16 submitted to the court, for a child who will be in care no
17 longer than 30 days unless that child is placed in out-of-home
18 care a second time within a 12-month period.

19 Section 74. Section 39.452, Florida Statutes, is
20 renumbered as section 39.602, Florida Statutes, and amended to
21 read:

22 39.602 39.452 Case planning when parents, legal
23 custodians, or caregivers do not participate and the child is
24 in out-of-home foster care.--

25 (1)(a) In the event the parents, legal custodians, or
26 caregivers will not or cannot participate in preparation of a
27 case plan, the department shall submit a full explanation of
28 the circumstances and a plan for the permanent placement of
29 the child to the court within 30 days after the child has been
30 removed from the home and placed in temporary foster care and
31 schedule a court hearing within 30 days after submission of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~the plan to the court to review and accept or modify the plan.~~
2 ~~if preparation cannot be accomplished within 30 days, for good~~
3 ~~cause shown, the court may grant extensions not to exceed 15~~
4 ~~days each for the filing, the granting of which shall be for~~
5 ~~similar reason to that contained in s. 39.451(4)(a).~~

6 ~~(b) In the full explanation of the circumstances~~
7 ~~submitted to the court, the department shall state the nature~~
8 ~~of its efforts to secure such persons'parental participation~~
9 ~~in the preparation of a case plan.~~

10 (2) In a case in which the physical, emotional, or
11 mental condition or physical location of the parent is the
12 basis for the parent's nonparticipation, it is the burden of
13 the department to provide substantial evidence to the court
14 that such condition or location has rendered the parent unable
15 or unwilling to participate in the preparation of a case plan,
16 either pro se or through counsel. The supporting documentation
17 must be submitted to the court at the time the plan is filed.

18 (3) The plan must include, but need not be limited to,
19 the specific services to be provided by the department, the
20 goals and plans for the child, and the time for accomplishing
21 the provisions of the plan and for accomplishing permanence
22 for the child.

23 (4)(a) At least 72 ~~Seventy-two~~ hours prior to the
24 filing of a plan, all parties ~~each parent~~ must be provided
25 with a copy of the plan developed by the department. If the
26 location of one or both parents is unknown, this must be
27 documented in writing and included in the plan submitted to
28 the court. After the filing of the plan, if the location of
29 an absent parent becomes known, that parent must be served
30 with a copy of the plan.

31 (b) Before the filing of the plan, the department

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 shall advise each parent, both orally and in writing, that the
2 failure of the parents to substantially comply with a plan
3 ~~which has reunification as its primary goal~~ may result in the
4 termination of parental rights, but only after notice and
5 hearing as provided in this chapter ~~part VI~~. If, after the
6 plan has been submitted to the court, an absent parent is
7 located, the department shall advise the parent, both orally
8 and in writing, that the failure of the parents to
9 substantially comply with a plan ~~which has reunification as~~
10 ~~its goal~~ may result in termination of parental rights, but
11 only after notice and hearing as provided in this chapter ~~part~~
12 ~~VI~~. Proof of written notification must be filed with the
13 court.

14 ~~(5)(a) The court shall set a hearing, with notice to~~
15 ~~all parties, on the plan or any provisions of the plan, within~~
16 ~~30 days after the plan has been received by the court. If the~~
17 ~~location of a parent is unknown, the notice must be directed~~
18 ~~to the last permanent address of record.~~

19 ~~(b) At the hearing on the plan, the court shall~~
20 ~~determine:~~

21 ~~1. All parties who were notified and are in attendance~~
22 ~~at the hearing, either in person or through a legal~~
23 ~~representative. The court shall appoint a guardian ad litem~~
24 ~~under Rule 1.210, Florida Rules of Civil Procedure, to~~
25 ~~represent the interests of any parent, if the location of the~~
26 ~~parent is known but the parent is not present at the hearing~~
27 ~~and the development of the plan is based upon the physical,~~
28 ~~emotional, or mental condition or physical location of the~~
29 ~~parent.~~

30 ~~2. If the plan is consistent with previous orders of~~
31 ~~the court placing the child in care.~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~3. If the plan is consistent with the requirements for~~
2 ~~the content of a plan as specified in subsection (3).~~

3 ~~4. In involuntary placements, whether each parent was~~
4 ~~notified of the right to counsel at each stage of the~~
5 ~~dependency proceedings, in accordance with the Florida Rules~~
6 ~~of Juvenile Procedure.~~

7 ~~5. Whether each parent whose location was known was~~
8 ~~notified of the right to participate in the preparation of a~~
9 ~~case plan and of the right to receive assistance from any~~
10 ~~other person in the preparation of the case plan.~~

11 ~~6. Whether the plan is meaningful and designed to~~
12 ~~address facts and circumstances upon which the court based the~~
13 ~~finding of dependency in involuntary placements or the plan is~~
14 ~~meaningful and designed to address facts and circumstances~~
15 ~~upon which the child was placed in foster care voluntarily.~~

16 ~~(c) When the court determines any of the elements~~
17 ~~considered at the hearing related to the plan have not been~~
18 ~~met, the court shall require the parties to make necessary~~
19 ~~amendments to the plan. The amended plan must be submitted to~~
20 ~~the court for review and approval within a time certain~~
21 ~~specified by the court. A copy of the amended plan must also~~
22 ~~be provided to each parent, if the location of the parent is~~
23 ~~known.~~

24 ~~(d) A parent who has not participated in the~~
25 ~~development of a case plan must be served with a copy of the~~
26 ~~plan developed by the department if the parent can be located~~
27 ~~at least 72 hours prior to the court hearing. Any parent is~~
28 ~~entitled to, and may seek, a court review of the plan prior to~~
29 ~~the initial 6 months' review and must be informed of this~~
30 ~~right by the department at the time the department serves the~~
31 ~~parent with a copy of the plan. If the location of an absent~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~parent becomes known to the department, the department shall~~
2 ~~inform the parent of the right to a court review at the time~~
3 ~~the department serves the parent with a copy of the case plan.~~

4 Section 75. Section 39.603, Florida Statutes, is
5 created to read:

- 6 39.603 Court approvals of case planning.
7 (1) At the hearing on the plan, which shall occur in
8 conjunction with the disposition hearing unless otherwise
9 directed by the court, the court shall determine:
10 (a) All parties who were notified and are in
11 attendance at the hearing, either in person or through a legal
12 representative. The court shall appoint a guardian ad litem
13 under Rule 1.210, Florida Rules of Civil Procedure, to
14 represent the interests of any parent, if the location of the
15 parent is known but the parent is not present at the hearing
16 and the development of the plan is based upon the physical,
17 emotional, or mental condition or physical location of the
18 parent.
19 (b) If the plan is consistent with previous orders of
20 the court placing the child in care.
21 (c) If the plan is consistent with the requirements
22 for the content of a plan as specified in this chapter.
23 (d) In involuntary placements, whether each parent was
24 notified of the right to counsel at each stage of the
25 dependency proceedings, in accordance with the Florida Rules
26 of Juvenile Procedure.
27 (e) Whether each parent whose location was known was
28 notified of the right to participate in the preparation of a
29 case plan and of the right to receive assistance from any
30 other person in the preparation of the case plan.
31 (f) Whether the plan is meaningful and designed to

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 address facts and circumstances upon which the court based the
2 finding of dependency in involuntary placements or the plan is
3 meaningful and designed to address facts and circumstances
4 upon which the child was placed in out-of-home care
5 voluntarily.

6 (2) When the court determines any of the elements
7 considered at the hearing related to the plan have not been
8 met, the court shall require the parties to make necessary
9 amendments to the plan. The amended plan must be submitted to
10 the court for review and approval within a time certain
11 specified by the court. A copy of the amended plan must also
12 be provided to each parent, if the location of the parent is
13 known.

14 (3) A parent who has not participated in the
15 development of a case plan must be served with a copy of the
16 plan developed by the department, if the parent can be
17 located, at least 48 hours prior to the court hearing. Any
18 parent is entitled to, and may seek, a court review of the
19 plan prior to the initial review and must be informed of this
20 right by the department at the time the department serves the
21 parent with a copy of the plan. If the location of an absent
22 parent becomes known to the department, the department shall
23 inform the parent of the right to a court review at the time
24 the department serves the parent with a copy of the case plan.

25 Section 76. Part VIII of chapter 39, Florida Statutes,
26 consisting of sections 39.701, 39.702, 39.703, and 39.704,
27 Florida Statutes, shall be entitled to read:

28 PART VIII

29 JUDICIAL REVIEWS

30 Section 77. Section 39.453, Florida Statutes, is
31 renumbered as section 39.701, Florida Statutes, and amended to

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 read:

2 39.701 ~~39.453~~ Judicial review.--

3 (1)(a) The court shall have continuing jurisdiction in
4 accordance with this section and shall review the status of
5 the child as required by this subsection or more frequently if
6 the court deems it necessary or desirable.

7 (b) The court shall retain jurisdiction over a child
8 returned to its parents, caregivers, or legal guardians for a
9 period of 6 months, but, at that time, based on a report of
10 the social service agency and the guardian ad litem, if one
11 has been appointed, and any other relevant factors, the court
12 shall make a determination as to whether its jurisdiction
13 shall continue or be terminated.

14 ~~(c) After termination of parental rights, the court~~
15 ~~shall retain jurisdiction over any child for whom custody is~~
16 ~~given to a social service agency until the child is adopted.~~
17 ~~The jurisdiction of the court after termination of parental~~
18 ~~rights and custody is given to the agency is for the purpose~~
19 ~~of reviewing the status of the child and the progress being~~
20 ~~made toward permanent adoptive placement. As part of this~~
21 ~~continuing jurisdiction, for good cause shown by the guardian~~
22 ~~ad litem for the child, the court may review the~~
23 ~~appropriateness of the adoptive placement of the child.~~

24 (2)(a) The court shall review the status of the child
25 and shall hold a hearing as provided in this part subsection
26 ~~(7)~~. The court may dispense with the attendance of the child
27 at the hearing, but may not dispense with the hearing or the
28 presence of other parties to the review unless before the
29 review a hearing is held before a citizen review panel.

30 (b) Citizen review panels may ~~be established under s.~~
31 ~~39.4531~~ to conduct hearings to a review of the status of a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 child. The court shall select the cases appropriate for
2 referral to the citizen review panels and may order the
3 attendance of the parties at the review panel hearings.
4 However, any party may object to the referral of a case to a
5 citizen review panel. Whenever such an objection has been
6 filed with the court, the court shall review the substance of
7 the objection and may conduct the review itself or refer the
8 review to a citizen review panel. All parties retain the right
9 to take exception to the findings or recommended orders of a
10 citizen review panel in accordance with Rule 1.490(h), Florida
11 Rules of Civil Procedure.

12 (c) Notice of a hearing by a citizen review panel must
13 be provided as set forth in subsection (5). At the conclusion
14 of a citizen review panel hearing, each party may propose a
15 recommended order to the chairperson of the panel. Thereafter,
16 the citizen review panel shall submit its report, copies of
17 the proposed recommended orders, and a copy of the panel's
18 recommended order to the court. The citizen review panel's
19 recommended order must be limited to the dispositional options
20 available to the court in subsection (8). Each party may file
21 exceptions to the report and recommended order of the citizen
22 review panel in accordance with Rule 1.490, Florida Rules of
23 Civil Procedure.

24 (3)(a) The initial judicial review must be held no
25 later than 90 days after the date of the disposition hearing
26 or after the date of the hearing at which the court approves
27 the case plan, but in no event shall the review be held later
28 than 6 months after the date the child was removed from the
29 home. Citizen review panels shall not conduct more than two
30 consecutive reviews without the child and the parties coming
31 before the court for a judicial review. If the child remains

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~in shelter or foster care, subsequent judicial reviews must be~~
2 ~~held at least every 6 months after the date of the most recent~~
3 ~~judicial review until the child is 13 years old and has been~~
4 ~~in foster care at least 18 months.~~

5 (b) If the court extends any ~~the~~ case plan beyond 12
6 ~~18~~ months, judicial reviews must be held at least every 6
7 months ~~for children under the age of 13 and at least annually~~
8 ~~for children age 13 and older.~~

9 (c) If the child is placed in the custody of the
10 department or a licensed child-placing agency for the purpose
11 of adoptive placement, judicial reviews must be held at least
12 every 6 months until adoptive placement, to determine the
13 appropriateness of the current placement and the progress made
14 toward adoptive placement.

15 (d) If the department and the court have established a
16 formal agreement that includes specific authorization for
17 particular cases, the department may conduct administrative
18 reviews instead of the judicial reviews for children in
19 out-of-home foster care. Notices of such administrative
20 reviews must be provided to all parties. However, an
21 administrative review may not be substituted for the first
22 judicial review, and in every case the court must conduct a
23 judicial review at least every 6 ~~12~~ months. Any party
24 dissatisfied with the results of an administrative review may
25 petition for a judicial review.

26 (e) The clerk of the circuit court shall schedule
27 judicial review hearings in order to comply with the mandated
28 times cited in this section ~~paragraphs (a)-(d).~~

29 (f) In each case in which a child has been voluntarily
30 placed with the licensed child-placing agency, the agency
31 shall notify the clerk of the court in the circuit where the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 child resides of such placement within 5 working days.
2 Notification of the court is not required for any child who
3 will be in out-of-home foster care no longer than 30 days
4 unless that child is placed in out-of-home foster care a
5 second time within a 12-month period. If the child is returned
6 to the custody of the parents, caregiver, or legal custodian
7 ~~or guardian~~ before the scheduled review hearing or if the
8 child is placed for adoption, the child-placing agency shall
9 notify the court of the child's return or placement within 5
10 working days, and the clerk of the court shall cancel the
11 review hearing.

12 (4) The court shall schedule the date, time, and
13 location of the next judicial review in the judicial review
14 order.~~The social service agency shall file a petition for~~
15 ~~review with the court within 10 calendar days after the~~
16 ~~judicial review hearing. The petition must include a statement~~
17 ~~of the dispositional alternatives available to the court. The~~
18 ~~petition must accompany the notice of the hearing served upon~~
19 ~~persons specified in subsection (5).~~

20 (5) Notice of a judicial review hearing or a citizen
21 review panel ~~the hearing,~~ and a copy of the motion for
22 judicial review petition, including a statement of the
23 dispositional alternatives available to the court, must be
24 served by the court upon:

25 (a) The social service agency charged with the
26 supervision of care, custody, or guardianship of the child, if
27 that agency is not the movant petitioner.

28 (b) The foster parent or parents or caregivers
29 ~~caretakers~~ in whose home the child resides.

30 (c) The parent, caregiver, or legal custodian
31 ~~guardian, or relative~~ from whom the care and custody of the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 child have been transferred.

2 (d) The guardian ad litem for the child, or the
3 representative of the guardian ad litem program if the program
4 ~~one~~ has been appointed.

5 (e) Any preadoptive parent.

6 (f)~~(e)~~ Such other persons as the court may in its
7 discretion direct.

8 (6)(a) Prior to every judicial review hearing or
9 citizen review panel hearing, the social service agency shall
10 make an investigation and social study concerning all
11 pertinent details relating to the child and shall furnish to
12 the court or citizen review panel a written report that
13 includes, but is not limited to:

14 1. A description of the type of placement the child is
15 in at the time of the hearing, including the safety of the
16 child and the continuing necessity for and appropriateness of
17 the placement.

18 2. Documentation of the diligent efforts made by all
19 parties to the case plan to comply with each applicable
20 provision of the plan.

21 3. The amount of fees assessed and collected during
22 the period of time being reported.

23 4. The services provided to the foster family or
24 caregivers ~~caretakers~~ in an effort to address the needs of the
25 child as indicated in the case plan.

26 5. A statement that ~~concerning whether~~ the parent or
27 legal custodian ~~guardian~~, though able to do so, did not comply
28 substantially with the provisions of the case plan and the
29 agency recommendations or a statement that the parent or legal
30 custodian ~~guardian~~ did substantially comply with such
31 provisions.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 6. A statement from the foster parent or parents or
2 caregivers caretakers providing any material evidence
3 concerning the return of the child to the parent or parents or
4 legal custodians.

5 7. A statement concerning the frequency, duration, and
6 results of the parent-child visitation, if any, and the agency
7 recommendations for an expansion or restriction of future
8 visitation.

9 8. The number of times a child has been removed from
10 his or her home and placed elsewhere, the number and types of
11 placements that have occurred, and the reason for the changes
12 in placement.

13 9. The number of times a child's educational placement
14 has been changed, the number and types of educational
15 placements that have occurred, and the reason for any change
16 in placement.

17 (b) A copy of the social service agency's written
18 report must be provided to the attorney of record of the
19 parent, parents, or legal custodians guardian; to the parent,
20 parents, or legal custodians guardian; to the foster parents
21 or caregivers caretakers; to each citizen review panel
22 ~~established under s. 39.4531~~; and to the guardian ad litem for
23 the child, or the representative of the guardian ad litem
24 program if the program one has been appointed by the court, at
25 least 48 hours before the judicial review hearing, or citizen
26 review panel hearing ~~if such a panel has been established~~
27 ~~under s. 39.4531~~. The requirement for providing parents or
28 legal custodians guardians with a copy of the written report
29 does not apply to those parents or legal custodians guardians
30 who have voluntarily surrendered their child for adoption.

31 (c) In a case in which the child has been permanently

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 placed with the social service agency, the agency shall
2 furnish to the court a written report concerning the progress
3 being made to place the child for adoption. If, ~~as stated in~~
4 ~~s. 39.451(1)~~, the child cannot be placed for adoption, a
5 report on the progress made by the child in alternative
6 permanency goals or placements, including, but not limited to,
7 long-term foster care, independent living, custody to a
8 relative or caregiver ~~adult nonrelative~~ approved by the court
9 on a permanent basis with or without legal guardianship, or
10 custody to a foster parent or caregiver on a permanent basis
11 with or without legal guardianship, must be submitted to the
12 court. The report must be submitted to the court at least 48
13 hours before each scheduled judicial review.

14 (d) In addition to or in lieu of any written statement
15 provided to the court, the foster parent or caregivers, or any
16 preadoptive parent, ~~caretakers~~ shall be given the opportunity
17 to address the court with any information relevant to the best
18 interests of the child at any judicial review hearing.

19 (7) The court, and any citizen review panel
20 ~~established under s. 39.4531~~, shall take into consideration
21 the information contained in the social services study and
22 investigation and all medical, psychological, and educational
23 records that support the terms of the case plan; testimony by
24 the social services agency, the parent or legal custodian
25 guardian, the foster parent or caregivers ~~caretakers~~, the
26 guardian ad litem if one has been appointed for the child, and
27 any other person deemed appropriate; and any relevant and
28 material evidence submitted to the court, including written
29 and oral reports to the extent of their probative value. In
30 its deliberations, the court, and any citizen review panel
31 ~~established under s. 39.4531~~, shall seek to determine:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (a) If the parent or legal custodian ~~guardian~~ was
2 advised of the right to receive assistance from any person or
3 social service agency in the preparation of the case plan.

4 (b) If the parent or legal custodian ~~guardian~~ has been
5 advised of the right to have counsel present at the judicial
6 review or citizen review hearings. If not so advised, the
7 court or citizen review panel shall advise the parent or legal
8 custodian ~~guardian~~ of such right.

9 (c) If a guardian ad litem needs to be appointed for
10 the child in a case in which a guardian ad litem has not
11 previously been appointed or if there is a need to continue a
12 guardian ad litem in a case in which a guardian ad litem has
13 been appointed.

14 (d) The compliance or lack of compliance of all
15 parties with applicable items of the case plan, including the
16 parents' compliance with child support orders.

17 (e) The compliance or lack of compliance with a
18 visitation contract between the parent, caregiver, or legal
19 custodian ~~or guardian~~ and the social service agency for
20 contact with the child, including the frequency, duration, and
21 results of the parent-child visitation and the reason for any
22 noncompliance.

23 (f) The compliance or lack of compliance of the
24 parent, caregiver, or legal custodian ~~or guardian~~ in meeting
25 specified financial obligations pertaining to the care of the
26 child, including the reason for failure to comply if such is
27 the case.

28 (g) The appropriateness of the child's current
29 placement, including whether the child is in a setting which
30 is as family-like and as close to the parent's home as
31 possible, consistent with the child's best interests and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 special needs, and including maintaining stability in the
2 child's educational placement.

3 (h) A projected date likely for the child's return
4 home or other permanent placement.

5 (i) When appropriate, the basis for the unwillingness
6 or inability of the parent, caregiver, or legal custodian or
7 guardian to become a party to a case plan. The court and the
8 citizen review panel shall determine if ~~the nature of the~~
9 ~~location or the condition of the parent and~~ the efforts of the
10 social service agency to secure party parental participation
11 in a case plan were sufficient.

12 (8)(a) Based upon the criteria set forth in subsection
13 (7) and the recommended order of the citizen review panel, if
14 any established under s. 39.4531, the court shall determine
15 whether or not the social service agency shall initiate
16 proceedings to have a child declared a dependent child, return
17 the child to the parent, legal custodian, or caregiver,
18 continue the child in out-of-home foster care for a specified
19 period of time, or initiate termination of parental rights
20 proceedings for subsequent placement in an adoptive home.
21 Modifications to the plan must be handled as prescribed in s.
22 39.601 39.451. If the court finds that the prevention or
23 reunification efforts of the department will allow the child
24 to remain safely at home or be safely returned to the home,
25 the court shall allow the child to remain in or return to the
26 home after making a specific finding of fact that the reasons
27 for removal have been remedied to the extent that the child's
28 safety, and well-being, and physical, mental, and emotional
29 health will not be endangered.

30 (b) The court shall return the child to the custody of
31 the parents, legal custodians, or caregivers at any time it

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 determines that they have substantially complied with the
2 plan, if the court is satisfied that reunification will not be
3 detrimental to the child's safety, ~~and well-being, and~~
4 physical, mental, and emotional health.

5 (c) If, in the opinion of the court, the social
6 service agency has not complied with its obligations as
7 specified in the written case plan, the court may find the
8 social service agency in contempt, shall order the social
9 service agency to submit its plans for compliance with the
10 agreement, and shall require the social service agency to show
11 why the child could ~~should~~ not safely be returned ~~immediately~~
12 to the home of the parents, legal custodians, or caregivers ~~or~~
13 ~~legal guardian.~~

14 (d) The court may extend the time limitation of the
15 case plan, or may modify the terms of the plan, based upon
16 information provided by the social service agency, and the
17 guardian ad litem, if one has been appointed, the natural
18 parent or parents, and the foster parents, and any other
19 competent information on record demonstrating the need for the
20 amendment. If the court extends the time limitation of the
21 case plan, the court must make specific findings concerning
22 the frequency of past parent-child visitation, if any, and the
23 court may authorize the expansion or restriction of future
24 visitation. Modifications to the plan must be handled as
25 prescribed in s. 39.601 ~~39.451~~. Any extension of a case plan
26 must comply with the time requirements and other requirements
27 specified by this chapter ~~part~~.

28 (e) If, at any judicial review, the court finds that
29 the parents have failed to substantially comply with the case
30 plan to the degree that further reunification efforts are
31 without merit and not in the best interest of the child, it

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 may authorize the filing of a petition for termination of
2 parental rights, whether or not the time period as contained
3 in the case plan for substantial compliance has elapsed.

4 (f) No later than 12 months after the date that the
5 child was placed in shelter care, the court shall conduct a
6 judicial review. At this hearing, if the child is not returned
7 to the physical custody of the parents, caregivers, or legal
8 custodians, the case plan may be extended with the same goals
9 only if the court finds that the situation of the child is so
10 extraordinary that the plan should be extended. The case plan
11 must document steps the department is taking to find an
12 adoptive parent or other permanent living arrangement for the
13 child.~~If, at the time of the 18-month judicial review or~~
14 ~~citizen review, the child is not returned to the physical~~
15 ~~custody of the natural parents, the case plan may be extended~~
16 ~~only if, at the time of the judicial review or citizen review,~~
17 ~~the court finds that the situation of the child is so~~
18 ~~extraordinary that the plan should be extended. The extension~~
19 ~~must be in accordance with subsection (3).~~

20 (g) The court may issue a protective order in
21 assistance, or as a condition, of any other order made under
22 this part. In addition to the requirements included in the
23 case plan, the protective order may set forth requirements
24 relating to reasonable conditions of behavior to be observed
25 for a specified period of time by a person or agency who is
26 before the court; and such order may require any such person
27 or agency to make periodic reports to the court containing
28 such information as the court in its discretion may prescribe.

29 Section 78. Section 39.4531, Florida Statutes, is
30 renumbered as section 39.702, Florida Statutes, and amended to
31 read:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 39.702 ~~39.4531~~ Citizen review panels.--

2 (1) Citizen review panels may be established in each
3 judicial circuit and shall be authorized by an administrative
4 order executed by the chief judge of each circuit. The court
5 shall administer an oath of office to each citizen review
6 panel member which shall authorize the panel member to
7 participate in citizen review panels and make recommendations
8 to the court pursuant to the provisions of this section.

9 (2) Citizen review panels shall be administered by an
10 independent not-for-profit agency. For the purpose of this
11 section, an organization that has filed for nonprofit status
12 under the provisions of s. 501(c)(3) of the United States
13 Internal Revenue Code is an independent not-for-profit agency
14 for a period of 1 year after the date of filing. At the end
15 of that 1-year period, in order to continue conducting citizen
16 reviews, the organization must have qualified for nonprofit
17 status under s. 501(c)(3) of the United States Internal
18 Revenue Code and must submit to the chief judge of the circuit
19 court a consumer's certificate of exemption that was issued to
20 the organization by the Florida Department of Revenue and a
21 report of the organization's progress. If the agency has not
22 qualified for nonprofit status, the court must rescind its
23 administrative order that authorizes the agency to conduct
24 citizen reviews. All independent not-for-profit agencies
25 conducting citizen reviews must submit citizen review annual
26 reports to the court.

27 (3) For the purpose of this section, a citizen review
28 panel shall be composed of five volunteer members and shall
29 conform with the requirements of this chapter ~~section~~. The
30 presence of three members at a panel hearing shall constitute
31 a quorum. Panel members shall serve without compensation.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~(4)~~(3) Based on the information provided to each
2 citizen review panel pursuant to s. 39.701 ~~39.453~~, each
3 citizen review panel shall provide the court with a report and
4 recommendations regarding the placement and dispositional
5 alternatives the court shall consider before issuing a
6 judicial review order.

7 ~~(5)~~(4) ~~The An~~ independent not-for-profit agency
8 authorized to administer each citizen review panel shall:

9 (a) In collaboration with the department, develop
10 policies to assure that citizen review panels comply with all
11 applicable state and federal laws.

12 (b) Establish policies for the recruitment, selection,
13 retention, and terms of volunteer panel members. Final
14 selection of citizen review panel members shall, to the extent
15 possible, reflect the multicultural composition of the
16 community which they serve. A criminal background check and
17 personal reference check shall be conducted on each citizen
18 review panel member prior to the member serving on a citizen
19 review panel.

20 (c) In collaboration with the department, develop,
21 implement, and maintain a training program for citizen review
22 volunteers and provide training for each panel member prior to
23 that member serving on a review panel. Such training may
24 include, but shall not be limited to, instruction on
25 dependency laws, departmental policies, and judicial
26 procedures.

27 (d) Ensure that all citizen review panel members have
28 read, understood, and signed an oath of confidentiality
29 relating to ~~the citizen review hearings and~~ written or verbal
30 information provided to the panel members for review hearings.

31 (e) Establish policies to avoid actual or perceived

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 conflicts of interest by panel members during the review
2 process and to ensure accurate, fair reviews of each child
3 dependency case.

4 (f) Establish policies to ensure ongoing communication
5 with the department and the court.

6 (g) Establish policies to ensure adequate
7 communication with the parent, caregiver, or legal custodian
8 ~~or guardian~~, the foster parent or caregiver, the guardian ad
9 litem, and any other person deemed appropriate.

10 (h) Establish procedures that encourage attendance and
11 participation of interested persons and parties, including the
12 biological parents, foster parents or caregivers, or a
13 relative or nonrelative with whom the child is placed, at
14 citizen review hearings.

15 (i) Coordinate with existing citizen review panels to
16 ensure consistency of operating procedures, data collection,
17 ~~and~~ analysis, and report generation.

18 (j) Make recommendations as necessary to the court
19 concerning attendance of essential persons at the review and
20 other issues pertinent to an effective review process.

21 (k) Ensure consistent methods of identifying barriers
22 to the permanent placement of the child and delineation of
23 findings and recommendations to the court.

24 ~~(6)(5)~~ The department and agents of the department
25 shall submit information to the citizen review panel when
26 requested and shall address questions asked by the citizen
27 review panel to identify barriers to the permanent placement
28 of each child.

29 Section 79. Section 39.454, Florida Statutes, is
30 renumbered as section 39.703, Florida Statutes, and amended to
31 read:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 39.703 ~~39.454~~ Initiation of termination of parental
2 rights proceedings.--

3 (1) If, in preparation for any judicial review hearing
4 under this ~~chapter part~~, it is the opinion of the social
5 service agency that the parents ~~or legal guardian~~ of the child
6 have not complied with their responsibilities as specified in
7 the written case plan although able to do so, the social
8 service agency shall state its intent to initiate proceedings
9 to terminate parental rights, unless the social service agency
10 can demonstrate to the court that such a recommendation would
11 not be in the child's best interests. If it is the intent of
12 the department or licensed child-placing agency to initiate
13 proceedings to terminate parental rights, the department or
14 licensed child-placing agency shall file a petition for
15 termination of parental rights no later than 3 months after
16 the date of the previous judicial review hearing. If the
17 petition cannot be filed within 3 months, the department or
18 licensed child-placing agency shall provide a written report
19 to the court outlining the reasons for delay, the progress
20 made in the termination of parental rights process, and the
21 anticipated date of completion of the process.

22 (2) If, at the time of the 12-month ~~18-month~~ judicial
23 review hearing, a child is not returned to the physical
24 custody of the ~~natural~~ parents, caregivers, or legal
25 custodians, the social service agency shall initiate
26 termination of parental rights proceedings under ~~part VI of~~
27 this chapter within 30 days. Only if the court finds that the
28 situation of the child is so extraordinary and that the best
29 interests of the child will be met by such action at the time
30 of the judicial review may the case plan be extended. If the
31 court decides to extend the plan, the court shall enter

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 detailed findings justifying the decision to extend, as well
 2 as the length of the extension. A termination of parental
 3 rights petition need not be filed if: the child is being
 4 cared for by a relative who chooses not to adopt the child;
 5 the court determines that filing such a petition would not be
 6 in the best interests of the child; or the state has not
 7 provided the child's family, when reasonable efforts to return
 8 a child are required, consistent with the time period in the
 9 state's case plan, such services as the state deems necessary
 10 for the safe return of the child to his or her home. Failure
 11 to initiate termination of parental rights proceedings at the
 12 time of the 12-month ~~18-month~~ judicial review or within 30
 13 days after such review does not prohibit initiating
 14 termination of parental rights proceedings at any other time.

15 Section 80. Section 39.456, Florida Statutes, is
 16 renumbered as section 39.704, Florida Statutes, and amended to
 17 read:

18 39.704 ~~39.456~~ Exemptions from judicial
 19 review. --Judicial review ~~This part~~ does not apply to:

- 20 (1) Minors who have been placed in adoptive homes by
 21 the department or by a licensed child-placing agency; or
 22 (2) Minors who are refugees or entrants to whom
 23 federal regulations apply and who are in the care of a social
 24 service agency, ~~or~~
 25 ~~(3) Minors who are the subjects of termination of~~
 26 ~~parental rights cases pursuant to s. 39.464.~~

27 Section 81. Part IX of chapter 39, Florida Statutes,
 28 consisting of sections 39.801, 39.802, 39.803, 39.804, 39.805,
 29 39.806, 39.807, 39.808, 39.809, 39.810, 39.811, 39.812,
 30 39.813, 39.814, 39.815, 39.816, and 39.817, Florida Statutes,
 31 shall be entitled to read:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

PART IX

TERMINATION OF PARENTAL RIGHTS

Section 82. Section 39.46, Florida Statutes, is renumbered as section 39.801, Florida Statutes, and amended to read:

39.801 ~~39.46~~ Procedures and jurisdiction; notice; service of process.--

(1) All procedures, including petitions, pleadings, subpoenas, summonses, and hearings, in termination of parental rights proceedings shall be according to the Florida Rules of Juvenile Procedure unless otherwise provided by law.

(2) The circuit court shall have exclusive original jurisdiction of a proceeding involving termination of parental rights.

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

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

- 1. The parents of the child.
- 2. The caregivers or legal custodians of the child.
- 3. If the parents who would be entitled to notice are dead or unknown, a living relative of the child, unless upon diligent search and inquiry no such relative can be found.
- 4. Any person who has physical custody of the child.
- 5. Any grandparent entitled to priority for adoption under s. 63.0425.
- 6. Any prospective parent who has been identified

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 under s. 39.503 or s. 39.803.

2 7. The guardian ad litem for the child or the
3 representative of the guardian ad litem program, if the
4 program has been appointed.

5
6 The document containing the notice to respond or appear must
7 contain, in type at least as large as the type in the balance
8 of the document, the following or substantially similar
9 language: "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY
10 HEARING CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL
11 RIGHTS OF THIS CHILD (OR CHILDREN)."

12 (b) If a person required to be served with notice as
13 prescribed in paragraph (a) cannot be served, notice of
14 hearings must be given as prescribed by the rules of civil
15 procedure, and service of process must be made as specified by
16 law or civil actions.

17 (c) Notice as prescribed by this section may be
18 waived, in the discretion of the judge, with regard to any
19 person to whom notice must be given under this subsection if
20 the person executes, before two witnesses and a notary public
21 or other officer authorized to take acknowledgments, a written
22 surrender of the child to a licensed child-placing agency or
23 the department.

24 (d) If the person served with notice under this
25 section fails to appear at the advisory hearing, the failure
26 to appear shall constitute consent for termination of parental
27 rights by the person given notice.

28 (4) Upon the application of any party, the clerk or
29 deputy clerk shall issue, and the court on its own motion may
30 issue, subpoenas requiring the attendance and testimony of
31 witnesses and the production of records, documents, or other

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 tangible objects at any hearing.

2 (5) All process and orders issued by the court must be
3 served or executed as other process and orders of the circuit
4 court and, in addition, may be served or executed by
5 authorized agents of the department or the guardian ad litem.

6 (6) Subpoenas may be served within the state by any
7 person over 18 years of age who is not a party to the
8 proceeding.

9 (7) A fee may not be paid for service of any process
10 or other papers by an agent of the department or the guardian
11 ad litem. If any process, orders, or other papers are served
12 or executed by any sheriff, the sheriff's fees must be paid by
13 the county.

14 Section 83. Section 39.461, Florida Statutes, is
15 renumbered as section 39.802, Florida Statutes, and amended to
16 read:

17 39.802 ~~39.461~~ Petition for termination of parental
18 rights; filing; elements.--

19 (1) All proceedings seeking an adjudication to
20 terminate parental rights pursuant to this chapter must be
21 initiated by the filing of an original petition by the
22 department, the guardian ad litem, or a licensed child-placing
23 agency or by any other person who has knowledge of the facts
24 alleged or is informed of them and believes that they are
25 true.

26 (2) The form of the petition is governed by the
27 Florida Rules of Juvenile Procedure. The petition must be in
28 writing and signed by the petitioner under oath stating the
29 petitioner's good faith in filing the petition.

30 (3) When a petition for termination of parental rights
31 has been filed, the clerk of the court shall set the case

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 before the court for an advisory hearing.

2 (4) A petition for termination of parental rights
3 filed under this chapter must contain facts supporting the
4 following allegations:

5 (a) That at least one of the grounds listed in s.
6 39.806 has been met.

7 (b) That the parents of the child were informed of
8 their right to counsel at all hearings that they attend and
9 that a dispositional order adjudicating the child dependent
10 was entered in any prior dependency proceeding relied upon in
11 offering a parent a case plan as described in s. 39.806.

12 (c) That the manifest best interests of the child, in
13 accordance with s. 39.810, would be served by the granting of
14 the petition.

15 (5) When a petition for termination of parental rights
16 is filed under s. 39.806(1), a separate petition for
17 dependency need not be filed and the department need not offer
18 the parents a case plan with a goal of reunification, but may
19 instead file with the court a case plan with a goal of
20 termination of parental rights to allow continuation of
21 services until the termination is granted or until further
22 orders of the court are issued.

23 (6) The fact that a child has been previously
24 adjudicated dependent as alleged in a petition for termination
25 of parental rights may be proved by the introduction of a
26 certified copy of the order of adjudication or the order of
27 disposition of dependency.

28 (7) The fact that the parent of a child was informed
29 of the right to counsel in any prior dependency proceeding as
30 alleged in a petition for termination of parental rights may
31 be proved by the introduction of a certified copy of the order

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 of adjudication or the order of disposition of dependency
2 containing a finding of fact that the parent was so advised.

3 (8) Whenever the department has entered into a case
4 plan with a parent with the goal of reunification, and a
5 petition for termination of parental rights based on the same
6 facts as are covered in the case plan is filed prior to the
7 time agreed upon in the case plan for the performance of the
8 case plan, the petitioner must allege and prove by clear and
9 convincing evidence that the parent has materially breached
10 the provisions of the case plan.

11 Section 84. Section 39.803, Florida Statutes, is
12 created to read:

13 39.803 Identity or location of parent unknown after
14 filing of termination of parental rights petition; special
15 procedures.--

16 (1) If the identity or location of a parent is unknown
17 and a petition for termination of parental rights is filed,
18 the court shall conduct the following inquiry of the parent
19 who is available, or, if no parent is available, of any
20 relative, caregiver, or legal custodian of the child who is
21 present at the hearing and likely to have the information:

22 (a) Whether the mother of the child was married at the
23 probable time of conception of the child or at the time of
24 birth of the child.

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

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

30 (d) Whether the mother has named any man as the father
31 on the birth certificate of the child or in connection with

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 applying for or receiving public assistance.

2 (e) Whether any man has acknowledged or claimed
3 paternity of the child in a jurisdiction in which the mother
4 resided at the time of or since conception of the child, or in
5 which the child has resided or resides.

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

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

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

15 (5) If the inquiry under subsection (1) identifies a
16 parent or prospective parent, and that person's location is
17 unknown, the court shall direct the department to conduct a
18 diligent search for that person before scheduling an
19 adjudicatory hearing regarding the dependency of the child
20 unless the court finds that the best interest of the child
21 requires proceeding without actual notice to the person whose
22 location is unknown.

23 (6) The diligent search required by subsection (5)
24 must include, at a minimum, inquiries of all known relatives
25 of the parent or prospective parent, inquiries of all offices
26 of program areas of the department likely to have information
27 about the parent or prospective parent, inquiries of other
28 state and federal agencies likely to have information about
29 the parent or prospective parent, inquiries of appropriate
30 utility and postal providers, and inquiries of appropriate law
31 enforcement agencies.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (7) Any agency contacted by a petitioner with a
2 request for information pursuant to subsection (6) shall
3 release the requested information to the petitioner without
4 the necessity of a subpoena or court order.

5 (8) If the inquiry and diligent search identifies a
6 prospective parent, that person must be given the opportunity
7 to become a party to the proceedings by completing a sworn
8 affidavit of parenthood and filing it with the court or the
9 department. A prospective parent who files a sworn affidavit
10 of parenthood while the child is a dependent child but no
11 later than at the time of or prior to the adjudicatory hearing
12 in the termination of parental rights proceeding for the child
13 shall be considered a parent for all purposes under this
14 section.

15 Section 85. Section 39.4627, Florida Statutes, is
16 renumbered as section 39.804, Florida Statutes.

17 Section 86. Section 39.463, Florida Statutes, is
18 renumbered as section 39.805, Florida Statutes, and amended to
19 read:

20 39.805 ~~39.463~~ No answer required.--No answer to the
21 petition or any other pleading need be filed by any child,
22 parent, caregiver, or legal custodian, but any matters which
23 might be set forth in an answer or other pleading may be
24 pleaded orally before the court or filed in writing as any
25 such person may choose. Notwithstanding the filing of any
26 answer or any pleading, the child or parent shall, prior to
27 the adjudicatory hearing, be advised by the court of the right
28 to counsel and shall be given an opportunity to deny the
29 allegations in the petition for termination of parental rights
30 or to enter a plea to allegations in the petition before the
31 court.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 well-being, or physical, mental, or emotional health of the
2 child irrespective of the provision of services. Provision of
3 services may be ~~is~~ evidenced by proof that services were
4 provided through a previous plan or offered as a case plan
5 from a child welfare agency.

6 (d) When the parent of a child is incarcerated in a
7 state or federal correctional institution and:

8 1. The period of time for which the parent is expected
9 to be incarcerated will constitute a substantial portion of
10 the period of time before the child will attain the age of 18
11 years;

12 2. The incarcerated parent has been determined by the
13 court to be a violent career criminal as defined in s.
14 775.084, a habitual violent felony offender as defined in s.
15 775.084, or a sexual predator as defined in s. 775.21; has
16 been convicted of first degree or second degree murder in
17 violation of s. 782.04 or a sexual battery that constitutes a
18 capital, life, or first degree felony violation of s. 794.011;
19 or has been convicted of an offense in another jurisdiction
20 which is substantially similar to one of the offenses listed
21 in this paragraph. As used in this section, the term
22 "substantially similar offense" means any offense that is
23 substantially similar in elements and penalties to one of
24 those listed in this paragraph, and that is in violation of a
25 law of any other jurisdiction, whether that of another state,
26 the District of Columbia, the United States or any possession
27 or territory thereof, or any foreign jurisdiction; and

28 3. The court determines by clear and convincing
29 evidence that continuing the parental relationship with the
30 incarcerated parent would be harmful to the child and, for
31 this reason, that termination of the parental rights of the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 incarcerated parent is in the best interest of the child.

2 ~~(e)(f)~~ A petition for termination of parental rights
3 may also be filed when a child has been adjudicated dependent,
4 a case plan has been filed with the court, and the child
5 continues to be abused, neglected, or abandoned by the
6 parents. In this case, the failure of the parents to
7 substantially comply for a period of 12 months after an
8 adjudication of the child as a dependent child constitutes
9 evidence of continuing abuse, neglect, or abandonment unless
10 the failure to substantially comply with the case plan was due
11 either to the lack of financial resources of the parents or to
12 the failure of the department to make reasonable efforts to
13 reunify the family. Such 12-month period may begin to run only
14 after the entry of a disposition order placing the custody of
15 the child with the department or a person other than the
16 parent and the approval by ~~subsequent filing with~~ the court of
17 a case plan with a goal of reunification with the parent.

18 ~~(f)(e)~~ When the parent or parents engaged in egregious
19 conduct or had the opportunity and capability to prevent and
20 knowingly failed to prevent egregious conduct threatening the
21 life, safety, or physical, mental, or emotional health that
22 ~~endangers the life, health, or safety~~ of the child or the
23 child's sibling ~~or had the opportunity and capability to~~
24 ~~prevent egregious conduct that threatened the life, health, or~~
25 ~~safety of the child or the child's sibling and knowingly~~
26 ~~failed to do so.~~

27 1. As used in this subsection, the term "sibling"
28 means another child who resides with or is cared for by the
29 parent or parents regardless of whether the child is related
30 legally or by consanguinity.

31 2. As used in this subsection, the term "egregious

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 conduct abuse" means abuse, abandonment, neglect, or any other
2 conduct of the parent or parents that is deplorable, flagrant,
3 or outrageous by a normal standard of conduct. Egregious
4 conduct abuse may include an act or omission that occurred
5 only once but was of such intensity, magnitude, or severity as
6 to endanger the life of the child.

7 (g) When the parent or parents have subjected the
8 child to aggravated child abuse as defined in s. 827.03,
9 sexual battery or sexual abuse as defined in s. 39.01, or
10 chronic abuse.

11 (h) When the parent or parents have committed murder
12 or voluntary manslaughter of another child of the parent, or a
13 felony assault that results in serious bodily injury to the
14 child or another child of the parent, or aided or abetted,
15 attempted, conspired, or solicited to commit such a murder or
16 voluntary manslaughter or felony assault.

17 (i) When the parental rights of the parent to a
18 sibling have been terminated involuntarily.

19 (2) Reasonable efforts to preserve and reunify
20 families shall not be required if a court of competent
21 jurisdiction has determined that any of the events described
22 in paragraphs (1)(e)-(i) have occurred.

23 (3)(2) When a petition for termination of parental
24 rights is filed under subsection (1), a separate petition for
25 dependency need not be filed and the department need not offer
26 the parents a case plan with a goal of reunification, but may
27 instead file with the court a case plan with a goal of
28 termination of parental rights to allow continuation of
29 services until the termination is granted or until further
30 orders of the court are issued.

31 (4) When an expedited termination of parental rights

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 petition is filed, reasonable efforts shall be made to place
2 the child in a timely manner in accordance with the permanency
3 plan, and to complete whatever steps are necessary to finalize
4 the permanent placement of the child.

5 Section 88. Section 39.465, Florida Statutes, is
6 renumbered as section 39.807, Florida Statutes, and amended to
7 read:

8 39.807 ~~39.465~~ Right to counsel; guardian ad litem.--

9 (1)(a) At each stage of the proceeding under this
10 part, the court shall advise the parent, ~~guardian, or~~
11 ~~custodian~~ of the right to have counsel present. The court
12 shall appoint counsel for indigent insolvent persons. The
13 court shall ascertain whether the right to counsel is
14 understood and, where appropriate, is knowingly and
15 intelligently waived. The court shall enter its findings in
16 writing with respect to the appointment or waiver of counsel
17 for indigent insolvent parties.

18 (b) Once counsel has been retained or, in appropriate
19 circumstances, appointed to represent the parent of the child,
20 the attorney shall continue to represent the parent throughout
21 the proceedings or until the court has approved discontinuing
22 the attorney-client relationship. If the attorney-client
23 relationship is discontinued, the court shall advise the
24 parent of the right to have new counsel retained or appointed
25 for the remainder of the proceedings.

26 (c)(b)1. No waiver of counsel may be accepted if it
27 appears that the parent, ~~guardian, or custodian~~ is unable to
28 make an intelligent and understanding choice because of mental
29 condition, age, education, experience, the nature or
30 complexity of the case, or other factors.

31 2. A waiver of counsel made in court must be of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 record. A waiver made out of court must be in writing with not
2 less than two attesting witnesses and must be filed with the
3 court. The witnesses shall attest to the voluntary execution
4 of the waiver.

5 3. If a waiver of counsel is accepted at any stage of
6 the proceedings, the offer of assistance of counsel must be
7 renewed by the court at each subsequent stage of the
8 proceedings at which the parent, ~~guardian, or custodian~~
9 appears without counsel.

10 ~~(d)(c)~~ This subsection does not apply to any parent
11 who has voluntarily executed a written surrender of the child
12 and consent to the entry of a court order therefor and who
13 does not deny the allegations of the petition.

14 (2)(a) The court shall appoint a guardian ad litem to
15 represent the child in any termination of parental rights
16 proceedings and shall ascertain at each stage of the
17 proceedings whether a guardian ad litem has been appointed.

18 (b) The guardian ad litem has the following
19 responsibilities:

20 1. To investigate the allegations of the petition and
21 any subsequent matters arising in the case and, unless excused
22 by the court, to file a written report. This report must
23 include a statement of the wishes of the child and the
24 recommendations of the guardian ad litem and must be provided
25 to all parties and the court at least 48 hours before the
26 disposition hearing.

27 2. To be present at all court hearings unless excused
28 by the court.

29 3. To represent the interests of the child until the
30 jurisdiction of the court over the child terminates or until
31 excused by the court.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~4. To perform such other duties and undertake such~~
2 ~~other responsibilities as the court may direct.~~

3 (c) A guardian ad litem is not required to post bond
4 but shall file an acceptance of the office.

5 (d) A guardian ad litem is entitled to receive service
6 of pleadings and papers as provided by the Florida Rules of
7 Juvenile Procedure.

8 (e) This subsection does not apply to any voluntary
9 relinquishment of parental rights proceeding.

10 Section 89. Section 39.466, Florida Statutes, is
11 renumbered as section 39.808, Florida Statutes, and amended to
12 read:

13 39.808 ~~39.466~~ Advisory hearing; pretrial status
14 conference.--

15 (1) An advisory hearing on the petition to terminate
16 parental rights must be held as soon as possible after all
17 parties have been served with a copy of the petition and a
18 notice of the date, time, and place of the advisory hearing
19 for the petition.

20 (2) At the hearing the court shall inform the parties
21 of their rights under s. 39.807 ~~39.465~~, shall appoint counsel
22 for the parties in accordance with legal requirements, and
23 shall appoint a guardian ad litem to represent the interests
24 of the child if one has not already been appointed.

25 (3) The court shall set a date for an adjudicatory
26 hearing to be held within 45 days after the advisory hearing,
27 unless all of the necessary parties agree to some other
28 hearing date.

29 (4) An advisory hearing may not be held if a petition
30 is filed seeking an adjudication voluntarily to terminate
31 parental rights. Adjudicatory hearings for petitions for

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 voluntary termination must be held within 21 days after the
2 filing of the petition. Notice of the use of this subsection
3 must be filed with the court at the same time as the filing of
4 the petition to terminate parental rights.

5 (5) Not less than 10 days before the adjudicatory
6 hearing, the court shall conduct a prehearing status
7 conference to determine the order in which each party may
8 present witnesses or evidence, the order in which
9 cross-examination and argument shall occur, and any other
10 matters that may aid in the conduct of the adjudicatory
11 hearing, to prevent any undue delay in the conduct of the
12 adjudicatory hearing.

13 Section 90. Section 39.467, Florida Statutes, is
14 renumbered as section 39.809, Florida Statutes, and amended to
15 read:

16 39.809 ~~39.467~~ Adjudicatory hearing.--

17 (1) In a hearing on a petition for termination of
18 parental rights, the court shall consider the elements
19 required for termination ~~as set forth in s. 39.4611~~. Each of
20 these elements must be established by clear and convincing
21 evidence before the petition is granted.

22 (2) The adjudicatory hearing must be held within 45
23 days after the advisory hearing, but reasonable continuances
24 for the purpose of investigation, discovery, or procuring
25 counsel or witnesses may, when necessary, be granted.

26 (3) The adjudicatory hearing must be conducted by the
27 judge without a jury, applying the rules of evidence in use in
28 civil cases and adjourning the case from time to time as
29 necessary. For purposes of the adjudicatory hearing, to avoid
30 unnecessary duplication of expense, the judge may consider
31 in-court testimony previously given at any properly noticed

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 hearing, without regard to the availability or unavailability
2 of the witness at the time of the actual adjudicatory hearing,
3 if the recorded testimony itself is made available to the
4 judge. Consideration of such testimony does not preclude the
5 witness being subpoenaed to answer supplemental questions.

6 (4) All hearings involving termination of parental
7 rights are confidential and closed to the public. Hearings
8 involving more than one child may be held simultaneously when
9 the children involved are related to each other or were
10 involved in the same case. The child and the parents ~~or legal~~
11 ~~custodians~~ may be examined separately and apart from each
12 other.

13 (5) The judge shall enter a written order with the
14 findings of fact and conclusions of law.

15 Section 91. Section 39.4612, Florida Statutes, is
16 renumbered as section 39.810, Florida Statutes, is amended to
17 read:

18 39.810 ~~39.4612~~ Manifest best interests of the child.
19 In a hearing on a petition for termination of parental rights,
20 the court shall consider the manifest best interests of the
21 child. This consideration shall not include a comparison
22 between the attributes of the parents and those of any persons
23 providing a present or potential placement for the child. For
24 the purpose of determining the manifest best interests of the
25 child, the court shall consider and evaluate all relevant
26 factors, including, but not limited to:

27 (1) Any suitable permanent custody arrangement with a
28 relative of the child.

29 (2) The ability and disposition of the parent or
30 parents to provide the child with food, clothing, medical care
31 or other remedial care recognized and permitted under state

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 law instead of medical care, and other material needs of the
2 child.

3 (3) The capacity of the parent or parents to care for
4 the child to the extent that the child's safety, well-being,
5 and physical, mental, and emotional health ~~and well-being~~ will
6 not be endangered upon the child's return home.

7 (4) The present mental and physical health needs of
8 the child and such future needs of the child to the extent
9 that such future needs can be ascertained based on the present
10 condition of the child.

11 (5) The love, affection, and other emotional ties
12 existing between the child and the child's parent or parents,
13 siblings, and other relatives, and the degree of harm to the
14 child that would arise from the termination of parental rights
15 and duties.

16 (6) The likelihood of an older child remaining in
17 long-term foster care upon termination of parental rights, due
18 to emotional or behavioral problems or any special needs of
19 the child.

20 (7) The child's ability to form a significant
21 relationship with a parental substitute and the likelihood
22 that the child will enter into a more stable and permanent
23 family relationship as a result of permanent termination of
24 parental rights and duties.

25 (8) The length of time that the child has lived in a
26 stable, satisfactory environment and the desirability of
27 maintaining continuity.

28 (9) The depth of the relationship existing between the
29 child and the present custodian.

30 (10) The reasonable preferences and wishes of the
31 child, if the court deems the child to be of sufficient

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 intelligence, understanding, and experience to express a
2 preference.

3 (11) The recommendations for the child provided by the
4 child's guardian ad litem or legal representative.

5 Section 92. Section 39.469, Florida Statutes, is
6 renumbered as section 39.811, Florida Statutes, and amended to
7 read:

8 39.811 ~~39.469~~ Powers of disposition; order of
9 disposition.--

10 (1) If the court finds that the grounds for
11 termination of parental rights have not been established by
12 clear and convincing evidence, the court shall:

13 (a) If grounds for dependency have been established,
14 adjudicate or readjudicate the child dependent and:

15 1. Enter an order placing or continuing the child in
16 out-of-home ~~foster~~ care under a case plan; or

17 2. Enter an order returning the child to the parent or
18 parents. The court shall retain jurisdiction over a child
19 returned to the parent or parents ~~or legal guardians~~ for a
20 period of 6 months, but, at that time, based on a report of
21 the social service agency and any other relevant factors, the
22 court shall make a determination as to whether its
23 jurisdiction shall continue or be terminated.

24 (b) If grounds for dependency have not been
25 established, dismiss the petition.

26 (2) If the child is in out-of-home ~~foster~~ care custody
27 of the department and the court finds that the grounds for
28 termination of parental rights have been established by clear
29 and convincing evidence, the court shall, by order, place the
30 child in the custody of the department for the purpose of
31 adoption or place the child in the custody of a licensed

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 child-placing agency for the purpose of adoption.

2 (3) If the child is in the custody of one parent and
3 the court finds that the grounds for termination of parental
4 rights have been established for the remaining parent by clear
5 and convincing evidence, the court shall enter an order
6 terminating the rights of the parent for whom the grounds have
7 been established and placing the child in the custody of the
8 remaining parent, granting that parent sole parental
9 responsibility for the child.

10 (4) If the child is neither in the custody of the
11 department ~~of Children and Family Services~~ nor in the custody
12 of a parent and the court finds that the grounds for
13 termination of parental rights have been established for
14 either or both parents, the court shall enter an order
15 terminating parental rights for the parent or parents for whom
16 the grounds for termination have been established and placing
17 the child with an appropriate custodian. If the parental
18 rights of both parents have been terminated, or if the
19 parental rights of only one parent have been terminated and
20 the court makes specific findings based on evidence presented
21 that placement with the remaining parent is likely to be
22 harmful to the child, the court may order that the child be
23 placed with a custodian other than the department after
24 hearing evidence of the suitability of such intended
25 placement. Suitability of the intended placement includes the
26 fitness and capabilities of the proposed ~~intended placement,~~
27 ~~with primary consideration being given to the welfare of the~~
28 ~~child; the fitness and capabilities of the proposed~~ custodian
29 to function as the primary caregiver ~~caretaker~~ for a
30 particular child; and the compatibility of the child with the
31 home in which the child is intended to be placed. If the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 court orders that a child be placed with a custodian under
2 this subsection, the court shall appoint such custodian as the
3 guardian for the child as provided in s. 744.3021. The court
4 may modify the order placing the child in the custody of the
5 custodian and revoke the guardianship established under s.
6 744.3021 if the court subsequently finds that a party to the
7 proceeding other than a parent whose rights have been
8 terminated has shown a material change in circumstances which
9 causes the placement to be no longer in the best interest of
10 the child.

11 (5) If the court terminates parental rights, the court
12 shall enter a written order of disposition briefly stating the
13 facts upon which its decision to terminate the parental rights
14 is made. An order of termination of parental rights, whether
15 based on parental consent or after notice served as prescribed
16 in this part, permanently deprives the parents ~~or legal~~
17 ~~guardian~~ of any right to the child.

18 (6) The parental rights of one parent may be severed
19 without severing the parental rights of the other parent only
20 under the following circumstances:

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

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

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

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

28 (e) If the parent whose rights are being terminated
29 meets the criteria specified in s. 39.806(1)(d) ~~39.464(1)(d)~~.

30 (7)(a) The termination of parental rights does not
31 affect the rights of grandparents unless the court finds that

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 continued visitation is not in the best interests of the child
2 or that such visitation would interfere with the goals of
3 permanency planning for the child.

4 (b) If the court terminates parental rights, it may
5 order that the parents or relatives of the parent whose rights
6 are terminated be allowed to maintain some contact with the
7 child pending adoption if the best interests of the child
8 support this continued contact, except as provided in
9 paragraph (a). If the court orders such continued contact, the
10 nature and frequency of the contact must be set forth in
11 written order and may be reviewed upon motion of any party,
12 including a prospective adoptive parent if a child has been
13 placed for adoption. If a child is placed for adoption, the
14 nature and frequency of the contact must be reviewed by the
15 court at the time the child is adopted.

16 (8) If the court terminates parental rights, it shall,
17 in its order of disposition, provide for a hearing, to be
18 scheduled no later than 30 days after the date of disposition,
19 in which the department or the licensed child-placing agency
20 shall provide to the court a plan for permanency for the
21 child. Reasonable efforts must be made to place the child in a
22 timely manner in accordance with the permanency plan, and to
23 complete whatever steps are necessary to finalize the
24 permanent placement of the child. Thereafter, until the
25 adoption of the child is finalized or the child reaches the
26 age of 18 years, whichever occurs first, the court shall hold
27 hearings at 6-month intervals to review the progress being
28 made toward permanency for the child.

29 (9) After termination of parental rights, the court
30 shall retain jurisdiction over any child for whom custody is
31 given to a social service agency until the child is adopted.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 The court shall review the status of the child's placement and
2 the progress being made toward permanent adoptive placement.
3 As part of this continuing jurisdiction, for good cause shown
4 by the guardian ad litem for the child, the court may review
5 the appropriateness of the adoptive placement of the child.

6 Section 93. Section 39.47, Florida Statutes, is
7 renumbered as section 39.812, Florida Statutes, and amended to
8 read:

9 39.812 ~~39.47~~ Post disposition relief.--

10 (1) A licensed child-placing agency or the department
11 which is given custody of a child for subsequent adoption in
12 accordance with this chapter may place the child in a family
13 home for prospective subsequent adoption and the licensed
14 child-placing agency or the department may thereafter become a
15 party to any proceeding for the legal adoption of the child
16 and appear in any court where the adoption proceeding is
17 pending and consent to the adoption; and that consent alone
18 shall in all cases be sufficient.

19 (2) In any subsequent adoption proceeding, the parents
20 ~~and legal guardian~~ shall not be entitled to any notice
21 thereof, nor shall they be entitled to knowledge at any time
22 after the order terminating parental rights is entered of the
23 whereabouts of the child or of the identity or location of any
24 person having the custody of or having adopted the child,
25 except as provided by order of the court pursuant to this
26 chapter or chapter 63; and in any habeas corpus or other
27 proceeding involving the child brought by any parent ~~or legal~~
28 ~~guardian~~ of the child, no agent or contract provider of the
29 licensed child-placing agency or department shall be compelled
30 to divulge that information, but may be compelled to produce
31 the child before a court of competent jurisdiction if the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 child is still subject to the guardianship of the licensed
2 child-placing agency or department.

3 (3) The entry of the custody order to the department
4 or licensed child-placing agency shall not entitle the
5 licensed child-placing agency or department to guardianship of
6 the estate or property of the child, but the licensed
7 child-placing agency or department shall be the guardian of
8 the person of the child.

9 (4) The court shall retain jurisdiction over any child
10 for whom custody is given to a licensed child-placing agency
11 or to the department until the child is adopted. After custody
12 of a child for subsequent adoption has been given to an agency
13 or the department, the court has jurisdiction for the purpose
14 of reviewing the status of the child and the progress being
15 made toward permanent adoptive placement. As part of this
16 continuing jurisdiction, for good cause shown by the guardian
17 ad litem for the child, the court may review the
18 appropriateness of the adoptive placement of the child.

19 ~~(5) The Legislature finds that children are most~~
20 ~~likely to realize their potential when they have the ability~~
21 ~~provided by good permanent families rather than spending long~~
22 ~~periods of time in temporary placements or unnecessary~~
23 ~~institutions. It is the intent of the Legislature that~~
24 ~~decisions be consistent with the child's best interests and~~
25 ~~that the department make proper adoptive placements as~~
26 ~~expeditiously as possible following a final judgment~~
27 ~~terminating parental rights.~~

28 Section 94. Section 39.813, Florida Statutes, is
29 created to read:

30 39.813 Continuing jurisdiction.--The court that
31 terminates the parental rights of a child who is the subject

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 of termination proceedings pursuant to this chapter shall
 2 retain exclusive jurisdiction in all matters pertaining to the
 3 child's adoption pursuant to chapter 63.

4 Section 95. Section 39.471, Florida Statutes, is
 5 renumbered as section 39.814, Florida Statutes.

6 Section 96. Section 39.473, Florida Statutes, is
 7 renumbered as section 39.815, Florida Statutes, and subsection
 8 (1) of said section is amended to read:

9 39.815 39.473 Appeal.--

10 (1) Any child, any parent ~~or~~ guardian ad litem, ~~or~~
 11 ~~legal custodian~~ of any child, any other party to the
 12 proceeding who is affected by an order of the court, or the
 13 department may appeal to the appropriate district court of
 14 appeal within the time and in the manner prescribed by the
 15 Florida Rules of Appellate Procedure. The district court of
 16 appeal shall give an appeal from an order terminating parental
 17 rights priority in docketing and shall render a decision on
 18 the appeal as expeditiously as possible. Appointed counsel
 19 shall be compensated as provided in s. 39.0134 39.474.

20 Section 97. Section 39.816, Florida Statutes, is
 21 created to read:

22 39.816 Authorization for pilot and demonstration
 23 projects.--

24 (1) Contingent upon receipt of a federal grant or
 25 contract pursuant to s. 473A(i) of the Social Security Act, 42
 26 U.S.C. 673A(i), enacted November 19, 1997, the department is
 27 authorized to establish one or more pilot projects for the
 28 following purposes:

29 (a) The development of best practice guidelines for
 30 expediting termination of parental rights.

31 (b) The development of models to encourage the use of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 concurrent planning.

2 (c) The development of specialized units and expertise
3 in moving children toward adoption as a permanency goal.

4 (d) The development of risk-assessment tools to
5 facilitate early identification of the children who will be at
6 risk of harm if returned home.

7 (e) The development of models to encourage the
8 fast-tracking into preadoptive placements of children who have
9 not attained 1 year of age.

10 (f) The development of programs that place children
11 into preadoptive families without waiting for termination of
12 parental rights.

13 (2) Contingent upon receipt of federal authorization
14 and funding pursuant to s. 1130(a) of the Social Security Act,
15 42 U.S.C. 1320a-9, enacted November 19, 1997, the department
16 is authorized to establish one or more demonstration projects
17 for the following purposes:

18 (a) Identifying and addressing barriers that result in
19 delays to adoptive placements for children in out-of-home
20 care.

21 (b) Identifying and addressing parental substance
22 abuse problems that endanger children and result in the
23 placement of children in out-of-home care. This purpose may be
24 accomplished through the placement of children with their
25 parents in residential treatment facilities, including
26 residential treatment facilities for post-partum depression,
27 which are specifically designed to serve parents and children
28 together, in order to promote family reunification, and which
29 can ensure the health and safety of the children.

30 (c) Addressing kinship care.

31 Section 98. Section 39.817, Florida Statutes, is

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 created to read:

2 39.817 Foster care privatization demonstration pilot
 3 project.--A pilot project shall be established through The
 4 Ounce of Prevention Fund of Florida to contract with a private
 5 entity for a foster care privatization demonstration project.
 6 No more then 30 children with a goal of family reunification
 7 shall be accepted into the program on a no-eject-or-reject
 8 basis as identified by the department. Sibling groups shall be
 9 kept together in one placement in their own communities.
 10 Foster care parents shall be paid employees of the program.
 11 The program shall provide for public/private partnerships,
 12 community collaboration, counseling, and medical and legal
 13 assistance, as needed. For purposes of identifying measurable
 14 outcomes, the pilot project shall be located in a department
 15 district with an integrated district management which was
 16 selected as a family transition program site, has a population
 17 of less than 500,000, has a total caseload of no more than
 18 400, with and without board payment, and has a total foster
 19 care case load of no more than 250.

20 Section 99. Part X of chapter 39, Florida Statutes,
 21 consisting of sections 39.820, 39.821, 39.822, 39.823, 39.824,
 22 39.825, 39.826, 39.827, 39.828, 39.829, and 39.8295, Florida
 23 Statutes, shall be entitled to read:

24 PART X

25 GUARDIANS AD LITEM AND GUARDIAN ADVOCATES

26 Section 100. Section 39.820, Florida Statutes, is
 27 created to read:

28 39.820 Definitions.--As used in this part, the term:

29 (1) "Guardian ad litem" as referred to in any civil or
 30 criminal proceeding includes the following: a certified
 31 guardian ad litem program; a duly certified volunteer; a staff

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 attorney, contract attorney, or certified pro bono attorney
2 working on behalf of a guardian ad litem or the program; staff
3 members of a program office; a court-appointed attorney; or a
4 responsible adult who is appointed by the court to represent
5 the best interests of a child in a proceeding as provided for
6 by law, including, but not limited to, this chapter, who is a
7 party to any judicial proceeding as a representative of the
8 child, and who serves until discharged by the court.

9 (2) "Guardian advocate" means a person appointed by
10 the court to act on behalf of a drug-dependent newborn
11 pursuant to the provisions of this part.

12 Section 101. Section 415.5077, Florida Statutes, is
13 renumbered as section 39.821, Florida Statutes.

14 Section 102. Section 415.508, Florida Statutes, is
15 renumbered as section 39.822, Florida Statutes, and amended to
16 read:

17 39.822 ~~415.508~~ Appointment of guardian ad litem for
18 ~~abused, abandoned,~~ or neglected child.--

19 (1) A guardian ad litem shall be appointed by the
20 court at the earliest possible time to represent the child in
21 any child abuse, ~~abandonment,~~ or neglect judicial proceeding,
22 whether civil or criminal. Any person participating in a
23 civil or criminal judicial proceeding resulting from such
24 appointment shall be presumed prima facie to be acting in good
25 faith and in so doing shall be immune from any liability,
26 civil or criminal, that otherwise might be incurred or
27 imposed.

28 (2) In those cases in which the parents are
29 financially able, the parent or parents of the child shall
30 reimburse the court, in part or in whole, for the cost of
31 provision of guardian ad litem services. Reimbursement to the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 individual providing guardian ad litem services shall not be
2 contingent upon successful collection by the court from the
3 parent or parents.

4 (3) The guardian ad litem or the program
5 representative shall review all disposition recommendations
6 and changes in placements, and must be present at all critical
7 stages of the dependency proceeding or submit a written report
8 of recommendations to the court.

9 Section 103. Section 415.5082, Florida Statutes, is
10 renumbered as section 39.823, Florida Statutes, and amended to
11 read:

12 39.823 ~~415.5082~~ Guardian advocates for drug dependent
13 newborns.--The Legislature finds that increasing numbers of
14 drug dependent children are born in this state. Because of
15 the parents' continued dependence upon drugs, the parents may
16 temporarily leave their child with a relative or other adult
17 or may have agreed to voluntary family services under s.
18 ~~39.301(8)~~~~415.505(1)(e)~~. The relative or other adult may be
19 left with a child who is likely to require medical treatment
20 but for whom they are unable to obtain medical treatment. The
21 purpose of this section is to provide an expeditious method
22 for such relatives or other responsible adults to obtain a
23 court order which allows them to provide consent for medical
24 treatment and otherwise advocate for the needs of the child
25 and to provide court review of such authorization.

26 Section 104. Section 415.5083, Florida Statutes, is
27 renumbered as section 39.824, Florida Statutes, and amended to
28 read:

29 39.824 ~~415.5083~~ Procedures and jurisdiction.--

30 (1) The Supreme Court is requested to adopt rules of
31 juvenile procedure by October 1, 1989, to implement this part

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~ss. 415.5082-415.5089.~~ All procedures, including petitions,
2 pleadings, subpoenas, summonses, and hearings in cases for the
3 appointment of a guardian advocate shall be according to the
4 Florida Rules of Juvenile Procedure unless otherwise provided
5 by law.

6 (2) The circuit court shall have exclusive original
7 jurisdiction of a proceeding in which appointment of a
8 guardian advocate is sought. The court shall retain
9 jurisdiction over a child for whom a guardian advocate is
10 appointed until specifically relinquished by court order.

11 Section 105. Section 415.5084, Florida Statutes, is
12 renumbered as section 39.825, Florida Statutes.

13 Section 106. Section 415.5085, Florida Statutes, is
14 renumbered as section 39.826, Florida Statutes.

15 Section 107. Section 415.5086, Florida Statutes, is
16 renumbered as section 39.827, Florida Statutes, and amended to
17 read:

18 39.827 ~~415.5086~~ Hearing for appointment of a guardian
19 advocate.--

20 (1) When a petition for appointment of a guardian
21 advocate has been filed with the circuit court, the hearing
22 shall be held within 14 days unless all parties agree to a
23 continuance. If a child is in need of necessary medical
24 treatment as defined in s. 39.01, the court shall hold a
25 hearing within 24 hours.

26 (2) At the hearing, the parents have the right to be
27 present, to present testimony, to call and cross-examine
28 witnesses, to be represented by counsel at their own expense,
29 and to object to the appointment of the guardian advocate.

30 (3) The hearing shall be conducted by the judge
31 without a jury, applying the rules of evidence in use in civil

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 cases. In a hearing on a petition for appointment of a
2 guardian advocate, the moving party shall prove all the
3 elements in s. 39.828 ~~415.5087~~ by a preponderance of the
4 evidence.

5 (4) The hearing under this section shall remain
6 confidential and closed to the public. The clerk shall keep
7 all court records required by this part ~~ss. 415.5082-415.5089~~
8 separate from other records of the circuit court. All court
9 records required by this part ~~ss. 415.5082-415.5089~~ shall be
10 confidential and exempt from the provisions of s. 119.07(1).
11 All records shall be inspected only upon order of the court by
12 persons deemed by the court to have a proper interest therein,
13 except that a child and the parents or custodians of the child
14 and their attorneys and the department and its designees shall
15 always have the right to inspect and copy any official record
16 pertaining to the child. The court may permit authorized
17 representatives of recognized organizations compiling
18 statistics for proper purposes to inspect and make abstracts
19 from official records, under whatever conditions upon their
20 use and disposition the court may deem proper, and may punish
21 by contempt proceedings any violation of those conditions.
22 All information obtained pursuant to this part ~~ss.~~
23 ~~415.5082-415.5089~~ in the discharge of official duty by any
24 judge, employee of the court, or authorized agent of the
25 department, shall be confidential and exempt from the
26 provisions of s. 119.07(1) and shall not be disclosed to
27 anyone other than the authorized personnel of the court or the
28 department and its designees, except upon order of the court.
29 Section 108. Section 415.5087, Florida Statutes, is
30 renumbered as section 39.828, Florida Statutes, and amended to
31 read:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 39.828 ~~415.5087~~ Grounds for appointment of a guardian
2 advocate.--

3 (1) The court shall appoint the person named in the
4 petition as a guardian advocate with all the powers and duties
5 specified in s. 39.829 ~~415.5088~~ for an initial term of 1 year
6 upon a finding that:

7 (a) The child named in the petition is or was a
8 ~~drug-dependent~~ drug-dependent newborn as described in s.
9 39.01(30)(g) ~~415.503(10)(a)2~~;

10 (b) The parent or parents of the child have
11 voluntarily relinquished temporary custody of the child to a
12 relative or other responsible adult;

13 (c) The person named in the petition to be appointed
14 the guardian advocate is capable of carrying out the duties as
15 provided in s. 39.829 ~~415.5088~~; and

16 (d) A petition to adjudicate the child dependent
17 pursuant to this chapter ~~39~~ has not been filed.

18 (2) The appointment of a guardian advocate does not
19 remove from the parents the right to consent to medical
20 treatment for their child. The appointment of a guardian
21 advocate does not prevent the filing of a subsequent petition
22 under this chapter ~~39~~ to have the child adjudicated dependent.

23 Section 109. Section 415.5088, Florida Statutes, is
24 renumbered as section 39.829, Florida Statutes.

25 Section 110. Section 415.5089, Florida Statutes, is
26 renumbered as section 39.8295, Florida Statutes, and amended
27 to read:

28 39.8295 ~~415.5089~~ Review and removal of guardian
29 advocate.--

30 (1) At the end of the initial 1-year appointment, the
31 court shall review the status of the child's care, health, and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 medical condition for the purpose of determining whether to
 2 reauthorize the appointment of the guardian advocate. If the
 3 court finds that all of the elements of s. ~~39.828~~ ~~415.5087~~ are
 4 still met the court shall reauthorize the guardian advocate
 5 for another year.

6 (2) At any time, the court may, upon its own motion,
 7 or upon the motion of the department, a family member, or
 8 other interested person remove a guardian advocate. A
 9 guardian advocate shall be removed if the court finds that the
 10 guardian advocate is not properly discharging his or her
 11 responsibilities or is acting in a manner inconsistent with
 12 his or her appointment, that the parents have assumed parental
 13 responsibility to provide for the child, or that the child has
 14 been adjudicated dependent pursuant to this chapter 39.

15 Section 111. Part XI of chapter 39, Florida Statutes,
 16 consisting of sections 39.901, 39.902, 39.903, 39.904, 39.905,
 17 39.906, and 39.908, Florida Statutes, shall be entitled to
 18 read:

19 PART XI

20 DOMESTIC VIOLENCE

21 Section 112. Section 415.601, Florida Statutes, is
 22 renumbered as section 39.901, Florida Statutes.

23 Section 113. Section 415.602, Florida Statutes, is
 24 renumbered as section 39.902, Florida Statutes, and amended to
 25 read:

26 ~~39.902~~ ~~415.602~~ Definitions of terms used in ~~ss.~~
 27 ~~415.601-415.608.~~ --As used in this part ~~ss. 415.601-415.608,~~
 28 the term:

29 (1) ~~"Department" means the Department of Children and~~
 30 ~~Family Services.~~

31 (2) ~~"District" means a service district of the~~

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ~~department as created in s. 20.19.~~

2 (1)(3) "Domestic violence" means any assault, battery,
3 sexual assault, sexual battery, or any criminal offense
4 resulting in physical injury or death of one family or
5 household member by another who is or was residing in the same
6 single dwelling unit.

7 (2)(4) "Domestic violence center" means an agency that
8 provides services to victims of domestic violence, as its
9 primary mission.

10 (3)(5) "Family or household member" means spouses,
11 former spouses, adults related by blood or marriage, persons
12 who are presently residing together as if a family or who have
13 resided together in the past as if a family, and persons who
14 have a child in common regardless of whether they have been
15 married or have resided together at any time.

16 Section 114. Section 415.603, Florida Statutes, is
17 renumbered as section 39.903, Florida Statutes, and amended to
18 read:

19 39.903 ~~415.603~~ Duties and functions of the department
20 with respect to domestic violence.--

21 (1) The department shall:

22 (a) Develop by rule criteria for the approval or
23 rejection of certification or funding of domestic violence
24 centers.

25 (b) Develop by rule minimum standards for domestic
26 violence centers to ensure the health and safety of the
27 clients in the centers.

28 (c) Receive and approve or reject applications for
29 certification of domestic violence centers, and receive and
30 approve or reject applications for funding of domestic
31 violence centers. When approving funding for a newly certified

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 domestic violence center, the department shall make every
2 effort to minimize any adverse economic impact on existing
3 certified centers or services provided within the same
4 district. In order to minimize duplication of services, the
5 department shall make every effort to encourage subcontracting
6 relationships with existing centers within the district. If
7 any of the required services are exempted by the department
8 under s. 39.905(1)(c)~~415.605(1)(c)~~, the center shall not
9 receive funding for those services.

10 (d) Evaluate each certified domestic violence center
11 annually to ensure compliance with the minimum standards. The
12 department has the right to enter and inspect the premises of
13 certified domestic violence centers at any reasonable hour in
14 order to effectively evaluate the state of compliance of these
15 centers with this part ~~ss. 415.601-415.608~~ and rules relating
16 to this part ~~those sections~~.

17 (e) Adopt rules to implement this part ~~ss.~~
18 ~~415.601-415.608~~.

19 (f) Promote the involvement of certified domestic
20 violence centers in the coordination, development, and
21 planning of domestic violence programming in the districts and
22 the state.

23 (2) The department shall serve as a clearinghouse for
24 information relating to domestic violence.

25 (3) The department shall enlist the assistance of
26 public and voluntary health, education, welfare, and
27 rehabilitation agencies in a concerted effort to prevent
28 domestic violence and to treat persons engaged in or subject
29 to domestic violence. With the assistance of these agencies,
30 the department, within existing resources, shall formulate and
31 conduct a research and evaluation program on domestic

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 violence. Efforts on the part of these agencies to obtain
2 relevant grants to fund this research and evaluation program
3 must be supported by the department.

4 (4) The department shall develop and provide
5 educational programs on domestic violence for the benefit of
6 the general public, persons engaged in or subject to domestic
7 violence, professional persons, or others who care for or may
8 be engaged in the care and treatment of persons engaged in or
9 subject to domestic violence.

10 (5) The department shall cooperate with, assist in,
11 and participate in, programs of other properly qualified
12 agencies, including any agency of the Federal Government,
13 schools of medicine, hospitals, and clinics, in planning and
14 conducting research on the prevention, care, treatment, and
15 rehabilitation of persons engaged in or subject to domestic
16 violence.

17 (6) The department shall contract with a statewide
18 association whose primary purpose is to represent and provide
19 technical assistance to domestic violence centers. This
20 association shall receive 2 percent of the Domestic Violence
21 Trust Fund for this purpose.

22 Section 115. Section 415.604, Florida Statutes, is
23 renumbered as section 39.904, Florida Statutes, and amended to
24 read:

25 39.904 ~~415.604~~ Report to the Legislature on the status
26 of domestic violence cases.--On or before January 1 of each
27 year, the department ~~of Children and Family Services~~ shall
28 furnish to the President of the Senate and the Speaker of the
29 House of Representatives a report on the status of domestic
30 violence in this state, which report shall include, but is not
31 limited to, the following:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (1) The incidence of domestic violence in this state.

2 (2) An identification of the areas of the state where
3 domestic violence is of significant proportions, indicating
4 the number of cases of domestic violence officially reported,
5 as well as an assessment of the degree of unreported cases of
6 domestic violence.

7 (3) An identification and description of the types of
8 programs in the state that assist victims of domestic violence
9 or persons who commit domestic violence, including information
10 on funding for the programs.

11 (4) The number of persons who are treated by or
12 assisted by local domestic violence programs that receive
13 funding through the department.

14 (5) A statement on the effectiveness of such programs
15 in preventing future domestic violence.

16 (6) An inventory and evaluation of existing prevention
17 programs.

18 (7) A listing of potential prevention efforts
19 identified by the department; the estimated annual cost of
20 providing such prevention services, both for a single client
21 and for the anticipated target population as a whole; an
22 identification of potential sources of funding; and the
23 projected benefits of providing such services.

24 Section 116. Section 415.605, Florida Statutes, is
25 renumbered as section 39.905, Florida Statutes, and amended to
26 read:

27 39.905 ~~415.605~~ Domestic violence centers.--

28 (1) Domestic violence centers certified under this
29 part ~~ss. 415.601-415.608~~ must:

30 (a) Provide a facility which will serve as a center to
31 receive and house persons who are victims of domestic

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 violence. For the purpose of this part ~~ss. 415.601-415.608~~,
2 minor children and other dependents of a victim, when such
3 dependents are partly or wholly dependent on the victim for
4 support or services, may be sheltered with the victim in a
5 domestic violence center.

6 (b) Receive the annual written endorsement of local
7 law enforcement agencies.

8 (c) Provide minimum services which include, but are
9 not limited to, information and referral services, counseling
10 and case management services, temporary emergency shelter for
11 more than 24 hours, a 24-hour hotline, training for law
12 enforcement personnel, assessment and appropriate referral of
13 resident children, and educational services for community
14 awareness relative to the incidence of domestic violence, the
15 prevention of such violence, and the care, treatment, and
16 rehabilitation for persons engaged in or subject to domestic
17 violence. If a 24-hour hotline, professional training, or
18 community education is already provided by a certified
19 domestic violence center within a district, the department may
20 exempt such certification requirements for a new center
21 serving the same district in order to avoid duplication of
22 services.

23 (d) Participate in the provision of orientation and
24 training programs developed for law enforcement officers,
25 social workers, and other professionals and paraprofessionals
26 who work with domestic violence victims to better enable such
27 persons to deal effectively with incidents of domestic
28 violence.

29 (e) Establish and maintain a board of directors
30 composed of at least three citizens, one of whom must be a
31 member of a local, municipal, or county law enforcement

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 agency.

2 (f) Comply with rules adopted pursuant to this part
3 ~~ss. 415.601-415.608.~~

4 (g) File with the department a list of the names of
5 the domestic violence advocates who are employed or who
6 volunteer at the domestic violence center who may claim a
7 privilege under s. 90.5036 to refuse to disclose a
8 confidential communication between a victim of domestic
9 violence and the advocate regarding the domestic violence
10 inflicted upon the victim. The list must include the title of
11 the position held by the advocate whose name is listed and a
12 description of the duties of that position. A domestic
13 violence center must file amendments to this list as
14 necessary.

15 (h) Demonstrate local need and ability to sustain
16 operations through a history of 18 consecutive months'
17 operation as a domestic violence center, including 12 months'
18 operation of an emergency shelter as provided in paragraph (c)
19 ~~defined in paragraph (1)(a)~~, and a business plan which
20 addresses future operations and funding of future operations.

21 (i) If its center is a new center applying for
22 certification, demonstrate that the services provided address
23 a need identified in the most current statewide needs
24 assessment approved by the department.

25 (2) If the department finds that there is failure by a
26 center to comply with the requirements established under this
27 part ~~ss. 415.601-415.608~~ or with the rules adopted pursuant
28 thereto, the department may deny, suspend, or revoke the
29 certification of the center.

30 (3) The annual certificate shall automatically expire
31 on the termination date shown on the certificate.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (4) The domestic violence centers shall establish
2 procedures pursuant to which persons subject to domestic
3 violence may seek services from these centers voluntarily.

4 (5) Domestic violence centers may be established
5 throughout the state when private, local, state, or federal
6 funds are available.

7 (6) In order to receive state funds, a center must:

8 (a) Obtain certification pursuant to this part ~~ss.~~
9 ~~415.601-415.608~~. However, the issuance of a certificate will
10 not obligate the department to provide funding.

11 (b) Receive at least 25 percent of its funding from
12 one or more local, municipal, or county sources, public or
13 private. Contributions in kind, whether materials,
14 commodities, transportation, office space, other types of
15 facilities, or personal services, may be evaluated and counted
16 as part of the required local funding.

17 (7)(a) All funds collected and appropriated to the
18 domestic violence program shall be distributed annually by the
19 department to each district according to an allocation formula
20 determined by the department. In developing the formula, the
21 department shall consider population, a rural and geographical
22 area factor, and the incidence of domestic violence.

23 (b) A contract between a district and a certified
24 domestic violence center shall contain provisions assuring the
25 availability and geographic accessibility of services
26 throughout the district. For this purpose, a center may
27 distribute funds through subcontracts or to center satellites,
28 provided such arrangements and any subcontracts are approved
29 by the district.

30 Section 117. Section 415.606, Florida Statutes, is
31 renumbered as section 39.906, Florida Statutes.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 118. Section 415.608, Florida Statutes, is
2 renumbered as section 39.908, Florida Statutes.

3 Section 119. Subsections (4) through (20) of section
4 20.19, Florida Statutes, are renumbered as subsections (5)
5 through (21), respectively, paragraph (b) of present
6 subsection (4), paragraph (o) of present subsection (7), and
7 paragraph (c) of present subsection (20) are amended, and a
8 new subsection (4) is added to that section, to read:

9 20.19 Department of Children and Family
10 Services.--There is created a Department of Children and
11 Family Services.

12 (4) CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES.--
13 The department is authorized to create certification programs
14 for family safety and preservation employees and agents to
15 ensure that only qualified employees and agents provide child
16 protection services. The department is authorized to develop
17 rules that include qualifications for certification, including
18 training and testing requirements, continuing education
19 requirements for ongoing certification, and decertification
20 procedures to be used to determine when an individual no
21 longer meets the qualifications for certification and to
22 implement the decertification of an employee or agent.

23 ~~(5)~~(4) PROGRAM OFFICES.--

24 (a) There are created program offices, each of which
25 shall be headed by an assistant secretary who shall be
26 appointed by and serve at the pleasure of the secretary. Each
27 program office shall have the following responsibilities:

28 1. Ensuring that family services programs are
29 implemented according to legislative intent and as provided in
30 state and federal laws, rules, and regulations.

31 2. Establishing program standards and performance

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 objectives.

2 3. Reviewing, monitoring, and ensuring compliance with
3 statewide standards and performance objectives.

4 4. Conducting outcome evaluations and ensuring program
5 effectiveness.

6 5. Developing workload and productivity standards.

7 6. Developing resource allocation methodologies.

8 7. Compiling reports, analyses, and assessment of
9 client needs on a statewide basis.

10 8. Ensuring the continued interagency collaboration
11 with the Department of Education for the development and
12 integration of effective programs to serve children and their
13 families.

14 9. Other duties as are assigned by the secretary.

15 (b) The following program offices are established and
16 may be consolidated, restructured, or rearranged by the
17 secretary; provided any such consolidation, restructuring, or
18 rearranging is for the purpose of encouraging service
19 integration through more effective and efficient performance
20 of the program offices or parts thereof:

21 1. Economic Self-Sufficiency Program Office.--The
22 responsibilities of this office encompass income support
23 programs within the department, such as temporary assistance
24 to families with dependent children, food stamps, welfare
25 reform, and state supplementation of the supplemental security
26 income (SSI) program.

27 2. Developmental Services Program Office.--The
28 responsibilities of this office encompass programs operated by
29 the department for developmentally disabled persons.
30 Developmental disabilities include any disability defined in
31 s. 393.063.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 3. Children and Families Program Office.--The
2 responsibilities of this program office encompass early
3 intervention services for children and families at risk;
4 intake services for protective investigation of abandoned,
5 abused, and neglected children; interstate compact on the
6 placement of children programs; adoption; child care;
7 out-of-home care programs and other specialized services to
8 families; and child protection and sexual abuse treatment
9 teams created under chapter 39 ~~415~~, excluding medical
10 direction functions.

11 4. Alcohol, Drug Abuse, and Mental Health Program
12 Office.--The responsibilities of this office encompass all
13 alcohol, drug abuse, and mental health programs operated by
14 the department.

15 ~~(8)(7)~~ HEALTH AND HUMAN SERVICES BOARDS.--

16 (a) There is created at least one health and human
17 services board in each service district for the purpose of
18 encouraging the initiation and support of interagency
19 cooperation and collaboration in addressing family services
20 needs and promoting service integration. The initial
21 membership and the authority to appoint the members shall be
22 allocated among the counties of each district as follows:

23 1. District 1 has a board composed of 15 members, with
24 3 at-large members to be appointed by the Governor, and 12
25 members to be appointed by the boards of county commissioners
26 of the respective counties, as follows: Escambia County, 6
27 members; Okaloosa County, 3 members; Santa Rosa County, 2
28 members; and Walton County, 1 member.

29 2. District 2 has a board composed of 23 members, with
30 5 at-large members to be appointed by the Governor, and 18
31 members to be appointed by the boards of county commissioners

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 in the respective counties, as follows: Holmes County, 1
 2 member; Washington County, 1 member; Bay County, 2 members;
 3 Jackson County, 1 member; Calhoun County, 1 member; Gulf
 4 County, 1 member; Gadsden County, 1 member; Franklin County, 1
 5 member; Liberty County, 1 member; Leon County, 4 members;
 6 Wakulla County, 1 member; Jefferson County, 1 member; Madison
 7 County, 1 member; and Taylor County, 1 member.

8 3. District 3 has a board composed of 19 members, with
 9 4 at-large members to be appointed by the Governor, and 15
 10 members to be appointed by the boards of county commissioners
 11 of the respective counties, as follows: Hamilton County, 1
 12 member; Suwannee County, 1 member; Lafayette County, 1 member;
 13 Dixie County, 1 member; Columbia County, 1 member; Gilchrist
 14 County, 1 member; Levy County, 1 member; Union County, 1
 15 member; Bradford County, 1 member; Putnam County, 1 member;
 16 and Alachua County, 5 members.

17 4. District 4 has a board composed of 15 members, with
 18 3 at-large members to be appointed by the Governor, and 12
 19 members to be appointed by the boards of county commissioners
 20 of the respective counties, as follows: Baker County, 1
 21 member; Nassau County, 1 member; Duval County, 7 members; Clay
 22 County, 2 members; and St. Johns County, 1 member.

23 5. District 5 has a board composed of 15 members, with
 24 3 at-large members to be appointed by the Governor, and 12
 25 members to be appointed by the boards of county commissioners
 26 of the respective counties, as follows: Pasco County, 3
 27 members; and Pinellas County, 9 members.

28 6. District 6 has a board composed of 15 members, with
 29 3 at-large members to be appointed by the Governor, and 12
 30 members to be appointed by the boards of county commissioners
 31 of the respective counties, as follows: Hillsborough County, 9

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 members; and Manatee County, 3 members.

2 7. District 7 has a board composed of 15 members, with
3 3 at-large members to be appointed by the Governor, and 12
4 members to be appointed by the boards of county commissioners
5 in the respective counties, as follows: Seminole County, 3
6 members; Orange County, 5 members; Osceola County, 1 member;
7 and Brevard County, 3 members.

8 8. District 8 has a board composed of 15 members, with
9 3 at-large members to be appointed by the Governor, and 12
10 members to be appointed by the boards of county commissioners
11 in the respective counties, as follows: Sarasota County, 3
12 members; DeSoto County, 1 member; Charlotte County, 1 member;
13 Lee County, 3 members; Glades County, 1 member; Hendry County,
14 1 member; and Collier County, 2 members.

15 9. District 9 has a board composed of 15 members, with
16 3 at-large members to be appointed by the Governor, and 12
17 members to be appointed by the Board of County Commissioners
18 of Palm Beach County.

19 10. District 10 has a board composed of 15 members,
20 with 3 at-large members to be appointed by the Governor, and
21 12 members to be appointed by the Board of County
22 Commissioners of Broward County.

23 11. District 11 has two boards, one from Dade County
24 and one from Monroe County. Each board is composed of 15
25 members, with 3 at-large members to be appointed to each board
26 by the Governor, and 12 members to be appointed by each of the
27 respective boards of county commissioners.

28 12. District 12 has a board composed of 15 members,
29 with 3 at-large members to be appointed by the Governor, and
30 12 members to be appointed by the boards of county
31 commissioners of the respective counties, as follows: Flagler

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 County, 3 members; and Volusia County, 9 members.

2 13. District 13 has a board composed of 15 members,
3 with 3 at-large members to be appointed by the Governor, and
4 12 members to be appointed by the boards of county
5 commissioners of the respective counties, as follows: Marion
6 County, 4 members; Citrus County, 2 members; Hernando County,
7 2 members; Sumter County, 1 member; and Lake County, 3
8 members.

9 14. District 14 has a board composed of 15 members,
10 with 3 at-large members to be appointed by the Governor, and
11 12 members to be appointed by the boards of county
12 commissioners of the respective counties, as follows: Polk
13 County, 9 members; Highlands County, 2 members; and Hardee
14 County, 1 member.

15 15. District 15 has a board composed of 15 members,
16 with 3 at-large members to be appointed by the Governor, and
17 12 members to be appointed by the boards of county
18 commissioners of the respective counties, as follows: Indian
19 River County, 3 members; Okeechobee County, 1 member; St.
20 Lucie County, 5 members; and Martin County, 3 members.

21
22 Notwithstanding any other provisions of this subsection, in
23 districts consisting of two counties, the number of members to
24 be appointed by any one board of county commissioners may not
25 be fewer than three nor more than nine.

26 (b) At any time after the adoption of initial bylaws
27 pursuant to paragraph (o), a district health and human
28 services board may adopt a bylaw that enlarges the size of the
29 board up to a maximum of 23 members, or otherwise adjusts the
30 size or composition of the board, including a decision to
31 change from a district board to subdistrict boards, or from a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 subdistrict board to a district board, if in the judgment of
2 the board, such change is necessary to adequately represent
3 the diversity of the population within the district or
4 subdistrict. In the creation of subdistrict boards, the bylaws
5 shall set the size of the board, not to exceed 15 members, and
6 shall set the number of appointments to be made by the
7 Governor and the respective boards of county commissioners in
8 the subdistrict. The Governor shall be given the authority to
9 appoint no fewer than one-fifth of the members. Current
10 members of the district board shall become members of the
11 subdistrict board in the subdistrict where they reside.
12 Vacancies on a newly created subdistrict board shall be filled
13 from among the list of nominees submitted to the subdistrict
14 nominee qualifications review committee pursuant to subsection
15 (8).

16 (c) The appointments by the Governor and the boards of
17 county commissioners are from nominees selected by the
18 appropriate district nominee qualifications review committee
19 pursuant to subsection (8). Membership of each board must be
20 representative of its district with respect to age, gender,
21 and ethnicity. For boards having 15 members or fewer, at least
22 two members must be consumers of the department's services.
23 For boards having more than 15 members, there must be at least
24 three consumers on the board. Members must have demonstrated
25 their interest and commitment to, and have appropriate
26 expertise for, meeting the health and family services needs of
27 the community. The Governor shall appoint nominees whose
28 presence on the health and human services board will help
29 assure that the board reflects the demographic characteristics
30 and consumer perspective of each of the service districts.

31 (d)1. Board members shall submit annually a disclosure

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 statement of health and family services interests to the
2 department's inspector general and the board. Any member who
3 has an interest in a matter under consideration by the board
4 must abstain from voting. Board members are subject to the
5 provisions of s. 112.3145, relating to disclosure of financial
6 interests.

7 2. Individual providers or employees of provider
8 agencies, other than employees of units of local or state
9 government, may not serve as health and human services board
10 members but may serve in an advisory capacity to the board.
11 Salaried employees of units of local or state government
12 occupying positions providing services under contract with the
13 department may not serve as members of the board. Elected
14 officials who have authority to appoint members to a health
15 and human services board may not serve as members of a board.
16 The district administrator shall serve as a nonvoting ex
17 officio member of the board. A department employee may not be
18 a member of the board.

19 (e) Appointments to fill vacancies created by the
20 death, resignation, or removal of a member are for the
21 unexpired term. A member may not serve more than two full
22 consecutive terms.

23 (f) A member who is absent from three meetings within
24 any 12-month period, without having been excused by the
25 chairperson, is deemed to have resigned, and the board shall
26 immediately declare the seat vacant. Members may be suspended
27 or removed for cause by a majority vote of the board members
28 or by the Governor.

29 (g) Members of the health and human services boards
30 shall serve without compensation, but are entitled to receive
31 reimbursement for per diem and travel expenses as provided in

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 s. 112.061. Payment may also be authorized for preapproved
2 child care expenses or lost wages for members who are
3 consumers of the department's services and for preapproved
4 child care expenses for other members who demonstrate
5 hardship.

6 (h) Appointees to the health and human services board
7 are subject to the provisions of chapter 112, part III, Code
8 of Ethics for Public Officers and Employees.

9 (i) Actions taken by the board must be consistent with
10 departmental policy and state and federal laws, rules, and
11 regulations.

12 (j) The department shall provide comprehensive
13 orientation and training to the members of the boards to
14 enable them to fulfill their responsibilities.

15 (k) Each health and human services board, and each of
16 its subcommittees, shall hold periodic public meetings and
17 hearings throughout the district to receive input on the
18 development of the district service delivery plan, the
19 legislative budget request, and the performance of the
20 department.

21 (l) Except as otherwise provided in this section,
22 responsibility and accountability for local family services
23 planning rests with the health and human services boards. All
24 local family-services-related planning or advisory councils
25 shall submit their plans to the health and human services
26 boards. The boards shall provide input on the plan's attention
27 to integrating service delivery at the local level. The
28 health and human services boards may establish additional
29 subcouncils or technical advisory committees.

30 (m) The health and human services boards shall operate
31 through an annual agreement negotiated between the secretary

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 and the board. Such agreements must include expected outcomes
2 and provide for periodic reports and evaluations of district
3 and board performance and must also include a core set of
4 service elements to be developed by the secretary and used by
5 the boards in district needs assessments to ensure consistency
6 in the development of district legislative budget requests.

7 (n) The annual agreement between the secretary and the
8 board must include provisions that specify the procedures to
9 be used by the parties to resolve differences in the
10 interpretation of the agreement or disputes as to the adequacy
11 of the parties' compliance with their respective obligations
12 under the agreement.

13 (o) Health and human services boards have the
14 following responsibilities, with respect to those programs and
15 services assigned to the districts, as developed jointly with
16 the district administrator:

17 1. Establish district outcome measures consistent with
18 statewide outcomes.

19 2. Conduct district needs assessments using
20 methodologies consistent with those established by the
21 secretary.

22 3. Negotiate with the secretary a district performance
23 agreement that:

24 a. Identifies current resources and services
25 available;

26 b. Identifies unmet needs and gaps in services;

27 c. Establishes service and funding priorities;

28 d. Establishes outcome measures for the district; and

29 e. Identifies expenditures and the number of clients
30 to be served, by service.

31 4. Provide budget oversight, including development and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

- 1 approval of the district's legislative budget request.
- 2 5. Provide policy oversight, including development and
3 approval of district policies and procedures.
- 4 6. Act as a focal point for community participation in
5 department activities such as:
- 6 a. Assisting in the integration of all health and
7 social services within the community;
- 8 b. Assisting in the development of community
9 resources;
- 10 c. Advocating for community programs and services;
- 11 d. Receiving and addressing concerns of consumers and
12 others; and
- 13 e. Advising the district administrator on the
14 administration of service programs throughout the district.
- 15 7. Advise the district administrator on ways to
16 integrate the delivery of family and health care services at
17 the local level.
- 18 8. Make recommendations which would enhance district
19 productivity and efficiency, ensure achievement of performance
20 standards, and assist the district in improving the
21 effectiveness of the services provided.
- 22 9. Review contract provider performance reports.
- 23 10. Immediately upon appointment of the membership,
24 develop bylaws that clearly identify and describe operating
25 procedures for the board. At a minimum, the bylaws must
26 specify notice requirements for all regular and special
27 meetings of the board, the number of members required to
28 constitute a quorum, and the number of affirmative votes of
29 members present and voting that are required to take official
30 and final action on a matter before the board.
- 31 11.a. Determine the board's internal organizational

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 structure, including the designation of standing committees.
2 In order to foster the coordinated and integrated delivery of
3 family services in its community, a local board shall use a
4 committee structure that is based on issues, such as children,
5 housing, transportation, or health care. Each such committee
6 must include consumers, advocates, providers, and department
7 staff from every appropriate program area. In addition, each
8 board and district administrator shall jointly identify
9 community entities, including, but not limited to, the Area
10 Agency on Aging, and resources outside the department to be
11 represented on the committees of the board.

12 b. The district juvenile justice boards established in
13 s. 985.413 ~~39-025~~ constitute the standing committee on issues
14 relating to planning, funding, or evaluation of programs and
15 services relating to the juvenile justice continuum.

16 12. Participate with the secretary in the selection of
17 a district administrator according to the provisions of
18 paragraph ~~(10)~~ ~~(9)~~ (b).

19 13. Complete an annual evaluation of the district and
20 review the evaluation at a meeting of the board at which the
21 public has an opportunity to comment.

22 14. Provide input to the secretary on the annual
23 evaluation of the district administrator. The board may
24 request that the secretary submit a written report on the
25 actions to be taken to address negative aspects of the
26 evaluation. At any time, the board may recommend to the
27 secretary that the district administrator be discharged. Upon
28 receipt of such a recommendation, the secretary shall make a
29 formal reply to the board stating the action to be taken with
30 respect to the board's recommendation.

31 15. Elect a chair and other officers, as specified in

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 the bylaws, from among the members of the board.

2 ~~(21)~~(20) INNOVATION ZONES.--The health and human
3 services board may propose designation of an innovation zone
4 for any experimental, pilot, or demonstration project that
5 furthers the legislatively established goals of the
6 department. An innovation zone is a defined geographic area
7 such as a district, county, municipality, service delivery
8 area, school campus, or neighborhood providing a laboratory
9 for the research, development, and testing of the
10 applicability and efficacy of model programs, policy options,
11 and new technologies for the department.

12 (a)1. The district administrator shall submit a
13 proposal for an innovation zone to the secretary. If the
14 purpose of the proposed innovation zone is to demonstrate that
15 specific statutory goals can be achieved more effectively by
16 using procedures that require modification of existing rules,
17 policies, or procedures, the proposal may request the
18 secretary to waive such existing rules, policies, or
19 procedures or to otherwise authorize use of alternative
20 procedures or practices. Waivers of such existing rules,
21 policies, or procedures must comply with applicable state or
22 federal law.

23 2. For innovation zone proposals that the secretary
24 determines require changes to state law, the secretary may
25 submit a request for a waiver from such laws, together with
26 any proposed changes to state law, to the chairs of the
27 appropriate legislative committees for consideration.

28 3. For innovation zone proposals that the secretary
29 determines require waiver of federal law, the secretary may
30 submit a request for such waivers to the applicable federal
31 agency.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (b) An innovation zone project may not have a duration
2 of more than 2 years, but the secretary may grant an
3 extension.

4 (c) The Statewide Health and Human Services Board, in
5 conjunction with the secretary, shall develop a family
6 services innovation transfer network for the purpose of
7 providing information on innovation zone research and projects
8 or other effective initiatives in family services to the
9 health and human services boards established under subsection
10 ~~(8)~~(7).

11 (d) Prior to implementing an innovation zone pursuant
12 to the requirements of this subsection and chapter 216, the
13 secretary shall, in conjunction with the Auditor General,
14 develop measurable and valid objectives for such zone within a
15 negotiated reasonable period of time. No more than 15
16 innovative zones shall be in operation at any one time within
17 the districts.

18 Section 120. Paragraph (h) of subsection (1) of
19 section 20.43, Florida Statutes, is amended to read:

20 20.43 Department of Health.--There is created a
21 Department of Health.

22 (1) The purpose of the Department of Health is to
23 promote and protect the health of all residents and visitors
24 in the state through organized state and community efforts,
25 including cooperative agreements with counties. The
26 department shall:

27 (h) Provide medical direction for child protection
28 team and sexual abuse treatment functions created under
29 chapter 39 415.

30 Section 121. Paragraph (b) of subsection (2) of
31 section 61.13, Florida Statutes, is amended to read:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 61.13 Custody and support of children; visitation
2 rights; power of court in making orders.--

3 (2)

4 (b)1. The court shall determine all matters relating
5 to custody of each minor child of the parties in accordance
6 with the best interests of the child and in accordance with
7 the Uniform Child Custody Jurisdiction Act. It is the public
8 policy of this state to assure that each minor child has
9 frequent and continuing contact with both parents after the
10 parents separate or the marriage of the parties is dissolved
11 and to encourage parents to share the rights and
12 responsibilities, and joys, of childrearing. After considering
13 all relevant facts, the father of the child shall be given the
14 same consideration as the mother in determining the primary
15 residence of a child irrespective of the age or sex of the
16 child.

17 2. The court shall order that the parental
18 responsibility for a minor child be shared by both parents
19 unless the court finds that shared parental responsibility
20 would be detrimental to the child. Evidence that a parent has
21 been convicted of a felony of the third degree or higher
22 involving domestic violence, as defined in s. 741.28 and
23 chapter 775, or meets the criteria of s. 39.806(1)(d)
24 ~~39.464(1)(d)~~, creates a rebuttable presumption of detriment to
25 the child. If the presumption is not rebutted, shared parental
26 responsibility, including visitation, residence of the child,
27 and decisions made regarding the child, may not be granted to
28 the convicted parent. However, the convicted parent is not
29 relieved of any obligation to provide financial support. If
30 the court determines that shared parental responsibility would
31 be detrimental to the child, it may order sole parental

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 responsibility and make such arrangements for visitation as
2 will best protect the child or abused spouse from further
3 harm. Whether or not there is a conviction of any offense of
4 domestic violence or child abuse or the existence of an
5 injunction for protection against domestic violence, the court
6 shall consider evidence of domestic violence or child abuse as
7 evidence of detriment to the child.

8 a. In ordering shared parental responsibility, the
9 court may consider the expressed desires of the parents and
10 may grant to one party the ultimate responsibility over
11 specific aspects of the child's welfare or may divide those
12 responsibilities between the parties based on the best
13 interests of the child. Areas of responsibility may include
14 primary residence, education, medical and dental care, and any
15 other responsibilities that the court finds unique to a
16 particular family.

17 b. The court shall order "sole parental
18 responsibility, with or without visitation rights, to the
19 other parent when it is in the best interests of" the minor
20 child.

21 c. The court may award the grandparents visitation
22 rights with a minor child if it is in the child's best
23 interest. Grandparents have legal standing to seek judicial
24 enforcement of such an award. This section does not require
25 that grandparents be made parties or given notice of
26 dissolution pleadings or proceedings, nor do grandparents have
27 legal standing as "contestants" as defined in s. 61.1306. A
28 court may not order that a child be kept within the state or
29 jurisdiction of the court solely for the purpose of permitting
30 visitation by the grandparents.

31 3. Access to records and information pertaining to a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 minor child, including, but not limited to, medical, dental,
2 and school records, may not be denied to a parent because the
3 parent is not the child's primary residential parent.

4 Section 122. Section 61.401, Florida Statutes, is
5 amended to read:

6 61.401 Appointment of guardian ad litem.--In an action
7 for dissolution of marriage, modification, parental
8 responsibility, custody, or visitation, if the court finds it
9 is in the best interest of the child, the court may appoint a
10 guardian ad litem to act as next friend of the child,
11 investigator or evaluator, not as attorney or advocate. The
12 court in its discretion may also appoint legal counsel for a
13 child to act as attorney or advocate; however, the guardian
14 and the legal counsel shall not be the same person. In such
15 actions which involve an allegation of child abuse,
16 abandonment, or neglect as defined in s. 39.01 ~~415.503(3)~~,
17 which allegation is verified and determined by the court to be
18 well-founded, the court shall appoint a guardian ad litem for
19 the child. The guardian ad litem shall be a party to any
20 judicial proceeding from the date of the appointment until the
21 date of discharge.

22 Section 123. Section 61.402, Florida Statutes, is
23 amended to read:

24 61.402 Qualifications of guardians ad litem.--A
25 guardian ad litem must be either a citizen certified by the
26 Guardian Ad Litem Program to act in family law cases or an
27 attorney who is a member in good standing of The Florida Bar.
28 Prior to certifying a guardian ad litem to be appointed under
29 this chapter, the Guardian Ad Litem Program must conduct a
30 security background investigation as provided in s. 39.821
31 ~~415.5077~~.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 124. Subsection (4) of section 63.052, Florida
2 Statutes, is amended to read:

3 63.052 Guardians designated; proof of commitment.--

4 (4) If a child is voluntarily surrendered to an
5 intermediary for subsequent adoption and the adoption does not
6 become final within 180 days, the intermediary must report to
7 the court on the status of the child and the court may at that
8 time proceed under s. 39.701 ~~39.453~~ or take action reasonably
9 necessary to protect the best interest of the child.

10 Section 125. Paragraph (b) of subsection (2) of
11 section 63.092, Florida Statutes, is amended to read:

12 63.092 Report to the court of intended placement by an
13 intermediary; preliminary study.--

14 (2) PRELIMINARY HOME STUDY.--Before placing the minor
15 in the intended adoptive home, a preliminary home study must
16 be performed by a licensed child-placing agency, a licensed
17 professional, or agency described in s. 61.20(2), unless the
18 petitioner is a stepparent, a spouse of the birth parent, or a
19 relative. The preliminary study shall be completed within 30
20 days after the receipt by the court of the intermediary's
21 report, but in no event may the child be placed in the
22 prospective adoptive home prior to the completion of the
23 preliminary study unless ordered by the court. If the
24 petitioner is a stepparent, a spouse of the birth parent, or a
25 relative, the preliminary home study may be required by the
26 court for good cause shown. The department is required to
27 perform the preliminary home study only if there is no
28 licensed child-placing agency, licensed professional, or
29 agency described in s. 61.20(2), in the county where the
30 prospective adoptive parents reside. The preliminary home
31 study must be made to determine the suitability of the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 intended adoptive parents and may be completed prior to
2 identification of a prospective adoptive child. A favorable
3 preliminary home study is valid for 1 year after the date of
4 its completion. A child must not be placed in an intended
5 adoptive home before a favorable preliminary home study is
6 completed unless the adoptive home is also a licensed foster
7 home under s. 409.175. The preliminary home study must
8 include, at a minimum:

9 (b) Records checks of the department's central abuse
10 registry ~~under chapter 415~~ and ~~statewide~~ criminal records
11 correspondence checks pursuant to s. 435.045 through the
12 Department of Law Enforcement on the intended adoptive
13 parents;

14
15 If the preliminary home study is favorable, a minor may be
16 placed in the home pending entry of the judgment of adoption.
17 A minor may not be placed in the home if the preliminary home
18 study is unfavorable. If the preliminary home study is
19 unfavorable, the intermediary or petitioner may, within 20
20 days after receipt of a copy of the written recommendation,
21 petition the court to determine the suitability of the
22 intended adoptive home. A determination as to suitability
23 under this subsection does not act as a presumption of
24 suitability at the final hearing. In determining the
25 suitability of the intended adoptive home, the court must
26 consider the totality of the circumstances in the home.

27 Section 126. Subsection (2) of section 90.5036,
28 Florida Statutes, is amended to read:

29 90.5036 Domestic violence advocate-victim privilege.--

30 (2) A victim has a privilege to refuse to disclose,
31 and to prevent any other person from disclosing, a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 confidential communication made by the victim to a domestic
2 violence advocate or any record made in the course of
3 advising, counseling, or assisting the victim. The privilege
4 applies to confidential communications made between the victim
5 and the domestic violence advocate and to records of those
6 communications only if the advocate is registered under s.
7 39.905 ~~415.605~~ at the time the communication is made. This
8 privilege includes any advice given by the domestic violence
9 advocate in the course of that relationship.

10 Section 127. Section 154.067, Florida Statutes, is
11 amended to read:

12 154.067 Child abuse and neglect cases; duties.--The
13 Department of Health shall adopt a rule requiring every county
14 health department, as described in s. 154.01, to adopt a
15 protocol that, at a minimum, requires the county health
16 department to:

17 (1) Incorporate in its health department policy a
18 policy that every staff member has an affirmative duty to
19 report, pursuant to chapter 39 ~~415~~, any actual or suspected
20 case of child abuse, abandonment, or neglect; and

21 (2) In any case involving suspected child abuse,
22 abandonment, or neglect, designate, at the request of the
23 department, a staff physician to act as a liaison between the
24 county health department and the Department of Children and
25 Family Services office that is investigating the suspected
26 abuse, abandonment, or neglect, and the child protection team,
27 as defined in s. 39.01 ~~415.503~~, when the case is referred to
28 such a team.

29 Section 128. Subsection (15) of section 213.053,
30 Florida Statutes, is amended to read:

31 213.053 Confidentiality and information sharing.--

Bill No. HB 1019, 2nd Eng.

Amendment No.

1 (15) The department may disclose confidential taxpayer
2 information contained in returns, reports, accounts, or
3 declarations filed with the department by persons subject to
4 any state or local tax to the child support enforcement
5 program, to assist in the location of parents who owe or
6 potentially owe a duty of support pursuant to Title IV-D of
7 the Social Security Act, their assets, their income, and their
8 employer, and to the Department of Children and Family
9 Services for the purpose of diligent search activities
10 pursuant to chapter 39. Nothing in this subsection authorizes
11 the disclosure of information if such disclosure is prohibited
12 by federal law. Employees of the child support enforcement
13 program and of the Department of Children and Family Services
14 are bound by the same requirements of confidentiality and the
15 same penalties for violation of the requirements as the
16 department.

17 Section 129. Paragraph (a) of subsection (8) of
18 section 216.136, Florida Statutes, is amended to read:

19 216.136 Consensus estimating conferences; duties and
20 principals.--

21 (8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

22 (a) Duties.--The Child Welfare System Estimating
23 Conference shall develop the following information relating to
24 the child welfare system:

- 25 1. Estimates and projections of the number of initial
26 and additional reports of child abuse, abandonment, or neglect
27 made to the central abuse hotline registry and tracking system
28 maintained by the Department of Children and Family Health and
29 Rehabilitative Services as established in s. 39.201(4)
30 ~~415.504(4)(a)~~.

- 31 2. Estimates and projections of the number of children

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 who are alleged to be victims of child abuse, abandonment, or
2 neglect and are in need of placement in a ~~an emergency~~
3 shelter.

4
5 In addition, the conference shall develop other official
6 information relating to the child welfare system of the state
7 which the conference determines is needed for the state
8 planning and budgeting system. The Department of Children and
9 Family Health and Rehabilitative Services shall provide
10 information on the child welfare system requested by the Child
11 Welfare System Estimating Conference, or individual conference
12 principals, in a timely manner.

13 Section 130. Section 232.50, Florida Statutes, is
14 amended to read:

15 232.50 Child abuse, abandonment, and neglect
16 policy.--Every school board shall by March 1, 1985:

17 (1) Post in a prominent place in each school a notice
18 that, pursuant to chapter 39 ~~415~~, all employees or agents of
19 the district school board have an affirmative duty to report
20 all actual or suspected cases of child abuse, abandonment, or
21 neglect, have immunity from liability if they report such
22 cases in good faith, and have a duty to comply with child
23 protective investigations and all other provisions of law
24 relating to child abuse, abandonment, and neglect. The notice
25 shall also include the statewide toll-free telephone number of
26 the state abuse registry.

27 (2) Provide that the superintendent, or the
28 superintendent's designee, at the request of the Department of
29 Children and Family Health and Rehabilitative Services, will
30 act as a liaison to the Department of Children and Family
31 Health and Rehabilitative Services and the child protection

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 team, as defined in s. 39.01 ~~415.503~~, when in a case of
2 suspected child abuse, abandonment, or neglect or an unlawful
3 sexual offense involving a child the case is referred to such
4 a team; except that this subsection may in no instance be
5 construed as relieving or restricting the Department of
6 Children and Family Health and Rehabilitative Services from
7 discharging its duty and responsibility under the law to
8 investigate and report every suspected or actual case of child
9 abuse, abandonment, or neglect or unlawful sexual offense
10 involving a child.

11

12 Each district school board shall comply with the provisions of
13 this section, and such board shall notify the Department of
14 Education and the Department of Children and Family Health and
15 Rehabilitative Services of its compliance by March 1, 1985.

16 Section 131. Paragraph (a) of subsection (2) of
17 section 318.21, Florida Statutes, as amended by section 2(1)
18 of chapter 97-235, Laws of Florida, is amended to read:

19 318.21 Disposition of civil penalties by county
20 courts.--All civil penalties received by a county court
21 pursuant to the provisions of this chapter shall be
22 distributed and paid monthly as follows:

23 (2) Of the remainder:

24 (a) Fifteen and six-tenths percent shall be paid to
25 the General Revenue Fund of the state, except that the first
26 \$300,000 shall be deposited into the Grants and Donations
27 Trust Fund in the Department of Children and Family Services
28 for administrative costs, training costs, and costs associated
29 with the implementation and maintenance of Florida foster care
30 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

31 Section 132. Effective July 1, 1999, paragraph (a) of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 subsection (2) of section 318.21, as amended by section 3(1)
2 of chapter 97-235, Laws of Florida, is amended to read:

3 318.21 Disposition of civil penalties by county
4 courts.--All civil penalties received by a county court
5 pursuant to the provisions of this chapter shall be
6 distributed and paid monthly as follows:

7 (2) Of the remainder:

8 (a) Ten and six-tenths percent shall be paid to the
9 General Revenue Fund of the state, except that the first
10 \$300,000 shall be deposited into the Grants and Donations
11 Trust Fund in the Department of Children and Family Services
12 for administrative costs, training costs, and costs associated
13 with the implementation and maintenance of Florida foster care
14 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

15 Section 133. Effective July 1, 2000, paragraph (a) of
16 subsection (2) of section 318.21, Florida Statutes, as amended
17 by section 4(1) of chapter 97-235, Laws of Florida, is amended
18 to read:

19 318.21 Disposition of civil penalties by county
20 courts.--All civil penalties received by a county court
21 pursuant to the provisions of this chapter shall be
22 distributed and paid monthly as follows:

23 (2) Of the remainder:

24 (a) Five and six-tenths percent shall be paid to the
25 General Revenue Fund of the state, except that the first
26 \$300,000 shall be deposited into the Grants and Donations
27 Trust Fund in the Department of Children and Family Services
28 for administrative costs, training costs, and costs associated
29 with the implementation and maintenance of Florida foster care
30 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

31 Section 134. Effective July 1, 2001, paragraph (a) of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 subsection (2) of section 318.21, Florida Statutes, as amended
2 by section 5(1) of chapter 97-235, Laws of Florida, is amended
3 to read:

4 318.21 Disposition of civil penalties by county
5 courts.--All civil penalties received by a county court
6 pursuant to the provisions of this chapter shall be
7 distributed and paid monthly as follows:

8 (2) Of the remainder:

9 (a) Twenty and six-tenths percent shall be paid to the
10 County Article V Trust Fund, except that the first \$300,000
11 shall be deposited into the Grants and Donations Trust Fund in
12 the Department of Children and Family Services for
13 administrative costs, training costs, and costs associated
14 with the implementation and maintenance of Florida foster care
15 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

16 Section 135. Effective July 1, 2002, paragraph (a) of
17 subsection (2) of section 318.21, Florida Statutes, as amended
18 by section 6 of chapter 97-235, Laws of Florida, is amended to
19 read:

20 318.21 Disposition of civil penalties by county
21 courts.--All civil penalties received by a county court
22 pursuant to the provisions of this chapter shall be
23 distributed and paid monthly as follows:

24 (2) Of the remainder:

25 (a) Twenty and six-tenths percent shall be paid to the
26 General Revenue Fund of the state, except that the first
27 \$300,000 shall be deposited into the Grants and Donations
28 Trust Fund in the Department of Children and Family Services
29 for administrative costs, training costs, and costs associated
30 with the implementation and maintenance of Florida foster care
31 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 136. Paragraph (e) of subsection (1) of
2 section 384.29, Florida Statutes, is amended to read:

3 384.29 Confidentiality.--

4 (1) All information and records held by the department
5 or its authorized representatives relating to known or
6 suspected cases of sexually transmissible diseases are
7 strictly confidential and exempt from the provisions of s.
8 119.07(1). Such information shall not be released or made
9 public by the department or its authorized representatives, or
10 by a court or parties to a lawsuit upon revelation by
11 subpoena, except under the following circumstances:

12 (e) When made to the proper authorities as required by
13 chapter 39 or chapter 415.

14 Section 137. Paragraph (e) of subsection (1) of
15 section 392.65, Florida Statutes, is amended to read:

16 392.65 Confidentiality.--

17 (1) All information and records held by the department
18 or its authorized representatives relating to known or
19 suspected cases of tuberculosis or exposure to tuberculosis
20 shall be strictly confidential and exempt from s. 119.07(1).
21 Such information shall not be released or made public by the
22 department or its authorized representatives or by a court or
23 parties to a lawsuit, except that release may be made under
24 the following circumstances:

25 (e) When made to the proper authorities as required by
26 chapter 39 or chapter 415.

27 Section 138. The introductory paragraph of subsection
28 (14) of section 393.063, Florida Statutes, is amended to read:

29 393.063 Definitions.--For the purposes of this
30 chapter:

31 (14) "Direct service provider," also known as

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 "caregiver" in chapters 39 and chapter 415 or "caretaker" in
2 provisions relating to employment security checks, means a
3 person 18 years of age or older who has direct contact with
4 individuals with developmental disabilities and is unrelated
5 to the individuals with developmental disabilities.

6 Section 139. Section 395.1023, Florida Statutes, is
7 amended to read:

8 395.1023 Child abuse and neglect cases; duties.--Each
9 licensed facility shall adopt a protocol that, at a minimum,
10 requires the facility to:

11 (1) Incorporate a facility policy that every staff
12 member has an affirmative duty to report, pursuant to chapter
13 39 415, any actual or suspected case of child abuse,
14 abandonment, or neglect; and

15 (2) In any case involving suspected child abuse,
16 abandonment, or neglect, designate, at the request of the
17 department, a staff physician to act as a liaison between the
18 hospital and the Department of Children and Family Services
19 office which is investigating the suspected abuse,
20 abandonment, or neglect, and the child protection team, as
21 defined in s. 39.01 415.503, when the case is referred to such
22 a team.

23
24 Each general hospital and appropriate specialty hospital shall
25 comply with the provisions of this section and shall notify
26 the agency and the department of its compliance by sending a
27 copy of its policy to the agency and the department as
28 required by rule. The failure by a general hospital or
29 appropriate specialty hospital to comply shall be punished by
30 a fine not exceeding \$1,000, to be fixed, imposed, and
31 collected by the agency. Each day in violation is considered

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 a separate offense.

2 Section 140. Section 400.4174, Florida Statutes, is
3 amended to read:

4 400.4174 Reports of abuse in facilities.--When an
5 employee, volunteer, administrator, or owner of a facility has
6 a confirmed report of adult abuse, neglect, or exploitation,
7 as defined in s. 415.102, or a judicially determined report of
8 child abuse, abandonment, or neglect, as defined in s. 39.01
9 415.503, and the protective investigator knows that the
10 individual is an employee, volunteer, administrator, or owner
11 of a facility, the agency shall be notified of the ~~confirmed~~
12 report.

13 Section 141. Paragraph (c) of subsection (2) of
14 section 400.556, Florida Statutes, is amended to read:

15 400.556 Denial, suspension, revocation of license;
16 administrative fines; investigations and inspections.--

17 (2) Each of the following actions by the owner of an
18 adult day care center or by its operator or employee is a
19 ground for action by the agency against the owner of the
20 center or its operator or employee:

21 (c) A confirmed report of adult abuse, neglect, or
22 exploitation, as defined in s. 415.102, or a report of child
23 abuse, abandonment, or neglect, as defined in s. 39.01
24 415.503, which report has been upheld following a hearing held
25 pursuant to chapter 120 or a waiver of such hearing.

26 Section 142. Paragraph (a) of subsection (8) of
27 section 402.165, Florida Statutes, is amended to read:

28 402.165 Statewide Human Rights Advocacy Committee;
29 confidential records and meetings.--

30 (8)(a) In the performance of its duties, the Statewide
31 Human Rights Advocacy Committee shall have:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 1. Authority to receive, investigate, seek to
2 conciliate, hold hearings on, and act on complaints which
3 allege any abuse or deprivation of constitutional or human
4 rights of clients.

5 2. Access to all client records, files, and reports
6 from any program, service, or facility that is operated,
7 funded, licensed, or regulated by the Department of Children
8 and Family Health and Rehabilitative Services and any records
9 which are material to its investigation and which are in the
10 custody of any other agency or department of government. The
11 committee's investigation or monitoring shall not impede or
12 obstruct matters under investigation by law enforcement or
13 judicial authorities. Access shall not be granted if a
14 specific procedure or prohibition for reviewing records is
15 required by federal law and regulation which supersedes state
16 law. Access shall not be granted to the records of a private
17 licensed practitioner who is providing services outside
18 agencies and facilities and whose client is competent and
19 refuses disclosure.

20 3. Standing to petition the circuit court for access
21 to client records which are confidential as specified by law.
22 The petition shall state the specific reasons for which the
23 committee is seeking access and the intended use of such
24 information. The court may authorize committee access to such
25 records upon a finding that such access is directly related to
26 an investigation regarding the possible deprivation of
27 constitutional or human rights or the abuse of a client.
28 Original client files, records, and reports shall not be
29 removed from the Department of Children and Family Health and
30 Rehabilitative Services or agency facilities. Under no
31 circumstance shall the committee have access to confidential

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 adoption records in accordance with the provisions of ss.
2 39.0132 ~~39.411~~, 63.022, and 63.162. Upon completion of a
3 general investigation of practices and procedures of the
4 Department of Children and Family ~~Health and Rehabilitative~~
5 Services, the committee shall report its findings to that
6 department.

7 Section 143. Paragraph (a) of subsection (8) of
8 section 402.166, Florida Statutes, is amended to read:

9 402.166 District human rights advocacy committees;
10 confidential records and meetings.--

11 (8)(a) In the performance of its duties, a district
12 human rights advocacy committee shall have:

13 1. Access to all client records, files, and reports
14 from any program, service, or facility that is operated,
15 funded, licensed, or regulated by the Department of Children
16 and Family ~~Health and Rehabilitative~~ Services and any records
17 which are material to its investigation and which are in the
18 custody of any other agency or department of government. The
19 committee's investigation or monitoring shall not impede or
20 obstruct matters under investigation by law enforcement or
21 judicial authorities. Access shall not be granted if a
22 specific procedure or prohibition for reviewing records is
23 required by federal law and regulation which supersedes state
24 law. Access shall not be granted to the records of a private
25 licensed practitioner who is providing services outside
26 agencies and facilities and whose client is competent and
27 refuses disclosure.

28 2. Standing to petition the circuit court for access
29 to client records which are confidential as specified by law.
30 The petition shall state the specific reasons for which the
31 committee is seeking access and the intended use of such

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 information. The court may authorize committee access to such
2 records upon a finding that such access is directly related to
3 an investigation regarding the possible deprivation of
4 constitutional or human rights or the abuse of a client.
5 Original client files, records, and reports shall not be
6 removed from Department of Children and Family Health and
7 ~~Rehabilitative~~ Services or agency facilities. Upon no
8 circumstances shall the committee have access to confidential
9 adoption records in accordance with the provisions of ss.
10 39.0132 ~~39.411~~, 63.022, and 63.162. Upon completion of a
11 general investigation of practices and procedures of the
12 Department of Children and Family Health and Rehabilitative
13 Services, the committee shall report its findings to that
14 department.

15 Section 144. Section 409.1672, Florida Statutes, is
16 amended to read:

17 409.1672 Incentives for department employees.--In
18 order to promote accomplishing the goal of family
19 preservation, family reunification, or permanent placement of
20 a child in an adoptive home, the department may, pursuant to
21 s. 110, chapter 92-142, Laws of Florida, or subsequent
22 legislative authority and within existing resources, develop
23 monetary performance incentives such as bonuses, salary
24 increases, and educational enhancements for department
25 employees engaged in positions and activities related to the
26 child welfare system under chapter 39, ~~chapter 415~~, or this
27 chapter who demonstrate outstanding work in these areas.

28 Section 145. Subsection (8) and paragraph (c) of
29 subsection (9) of section 409.176, Florida Statutes, are
30 amended to read:

31 409.176 Registration of residential child-caring

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 agencies and family foster homes.--

2 (8) The provisions of chapters 39 ~~415~~ and 827
3 regarding child abuse, abandonment, and neglect and the
4 provisions of s. 409.175 and chapter 435 regarding screening
5 apply to any facility registered under this section.

6 (9) The qualified association may deny, suspend, or
7 revoke the registration of a Type II facility which:

8 (c) Violates the provisions of chapter 39 ~~415~~ or
9 chapter 827 regarding child abuse, abandonment, and neglect or
10 the provisions of s. 409.175 or chapter 435 regarding
11 screening.

12

13 The qualified association shall notify the department within
14 10 days of the suspension or revocation of the registration of
15 any Type II facility registered under this section.

16 Section 146. Paragraph (b) of subsection (10) of
17 section 409.2554, Florida Statutes, is amended to read:

18 409.2554 Definitions.--As used in ss.

19 409.2551-409.2598, the term:

20 (10) "Support" means:

21 (b) Support for a child who is placed under the
22 custody of someone other than the custodial parent pursuant to
23 s. 39.508 ~~39.41~~.

24 Section 147. Section 409.2577, Florida Statutes, is
25 amended to read:

26 409.2577 Parent locator service.--The department shall
27 establish a parent locator service to assist in locating
28 parents who have deserted their children and other persons
29 liable for support of dependent children. The department
30 shall use all sources of information available, including the
31 Federal Parent Locator Service, and may request and shall

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 receive information from the records of any person or the
2 state or any of its political subdivisions or any officer
3 thereof. Any agency as defined in s. 120.52, any political
4 subdivision, and any other person shall, upon request, provide
5 the department any information relating to location, salary,
6 insurance, social security, income tax, and employment history
7 necessary to locate parents who owe or potentially owe a duty
8 of support pursuant to Title IV-D of the Social Security Act.
9 This provision shall expressly take precedence over any other
10 statutory nondisclosure provision which limits the ability of
11 an agency to disclose such information, except that law
12 enforcement information as provided in s. 119.07(3)(i) is not
13 required to be disclosed, and except that confidential
14 taxpayer information possessed by the Department of Revenue
15 shall be disclosed only to the extent authorized in s.
16 213.053(15). Nothing in this section requires the disclosure
17 of information if such disclosure is prohibited by federal
18 law. Information gathered or used by the parent locator
19 service is confidential and exempt from the provisions of s.
20 119.07(1). Additionally, the department is authorized to
21 collect any additional information directly bearing on the
22 identity and whereabouts of a person owing or asserted to be
23 owing an obligation of support for a dependent child.
24 Information gathered or used by the parent locator service is
25 confidential and exempt from the provisions of s. 119.07(1).
26 The department may make such information available only to
27 public officials and agencies of this state; political
28 subdivisions of this state; the custodial parent, legal
29 guardian, attorney, or agent of the child; and other states
30 seeking to locate parents who have deserted their children and
31 other persons liable for support of dependents, for the sole

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 purpose of establishing, modifying, or enforcing their
2 liability for support, and shall make such information
3 available to the Department of Children and Family Services
4 for the purpose of diligent search activities pursuant to
5 chapter 39. If the department has reasonable evidence of
6 domestic violence or child abuse and the disclosure of
7 information could be harmful to the custodial parent or the
8 child of such parent, the child support program director or
9 designee shall notify the Department of Children and Family
10 Services and the Secretary of the United States Department of
11 Health and Human Services of this evidence. Such evidence is
12 sufficient grounds for the department to disapprove an
13 application for location services.

14 Section 148. Subsection (29) of section 409.912,
15 Florida Statutes, is amended to read:

16 409.912 Cost-effective purchasing of health care.--The
17 agency shall purchase goods and services for Medicaid
18 recipients in the most cost-effective manner consistent with
19 the delivery of quality medical care. The agency shall
20 maximize the use of prepaid per capita and prepaid aggregate
21 fixed-sum basis services when appropriate and other
22 alternative service delivery and reimbursement methodologies,
23 including competitive bidding pursuant to s. 287.057, designed
24 to facilitate the cost-effective purchase of a case-managed
25 continuum of care. The agency shall also require providers to
26 minimize the exposure of recipients to the need for acute
27 inpatient, custodial, and other institutional care and the
28 inappropriate or unnecessary use of high-cost services.

29 (29) Each managed care plan that is under contract
30 with the agency to provide health care services to Medicaid
31 recipients shall annually conduct a background check with the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Florida Department of Law Enforcement of all persons with
 2 ownership interest of 5 percent or more or executive
 3 management responsibility for the managed care plan and shall
 4 submit to the agency information concerning any such person
 5 who has been found guilty of, regardless of adjudication, or
 6 has entered a plea of nolo contendere or guilty to, any of the
 7 offenses listed in s. 435.03 or has a confirmed report of
 8 abuse, neglect, or exploitation pursuant to ~~part I~~ of chapter
 9 415.

10 Section 149. Paragraph (a) of subsection (1) of
 11 section 409.9126, Florida Statutes, is amended to read:

12 409.9126 Children with special health care needs.--

13 (1) As used in this section:

14 (a) "Children's Medical Services network" means an
 15 alternative service network that includes health care
 16 providers and health care facilities specified in chapter 391
 17 and ss. ~~39.303~~, 383.15-383.21, and 383.216, ~~and 415.5055~~.

18 Section 150. Paragraph (f) of subsection (5) of
 19 section 414.065, Florida Statutes, is amended to read:

20 414.065 Work requirements.--

21 (5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
 22 CHILDREN; PROTECTIVE PAYEES.--

23 (f) If the department is unable to designate a
 24 qualified protective payee or authorized representative, a
 25 referral shall be made under the provisions of chapter 39 ~~415~~
 26 for protective intervention.

27 Section 151. Section 435.045, Florida Statutes, is
 28 created to read:

29 435.045 Requirements for prospective foster or
 30 adoptive parents.--

31 (1) Unless an election provided for in subsection (2)

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 is made with respect to the state, the department shall
2 conduct criminal records checks equivalent to the level 2
3 screening required in s. 435.04(1) for any prospective foster
4 or adoptive parent before the foster or adoptive parent may be
5 finally approved for placement of a child on whose behalf
6 foster care maintenance payments or adoption assistance
7 payments under s. 471 of the Social Security Act, 42 U.S.C.
8 671, are to be made. Approval shall not be granted:
9 (a) In any case in which a record check reveals a
10 felony conviction for child abuse, abandonment, or neglect;
11 for spousal abuse; for a crime against children, including
12 child pornography, or for a crime involving violence,
13 including rape, sexual assault, or homicide but not including
14 other physical assault or battery, if the department finds
15 that a court of competent jurisdiction has determined that the
16 felony was committed at any time; and
17 (b) In any case in which a record check reveals a
18 felony conviction for physical assault, battery, or a
19 drug-related offense, if the department finds that a court of
20 competent jurisdiction has determined that the felony was
21 committed within the past 5 years.
22 (2) For purposes of this section, and ss. 39.401(3)
23 and 39.508(9)(b) and (10)(a), the department and its
24 authorized agents or contract providers are hereby designated
25 a criminal justice agency for the purposes of accessing
26 criminal justice information, including National Crime
27 Information Center information, to be used for enforcing
28 Florida's laws concerning the crimes of child abuse,
29 abandonment, and neglect. This information shall be used
30 solely for purposes supporting the detection, apprehension,
31 prosecution, pretrial release, posttrial release, or

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 rehabilitation of criminal offenders or persons accused of the
2 crimes of child abuse, abandonment, or neglect and shall not
3 be further disseminated or used for any other purposes.

4 (3) Subsection (2) shall not apply if the Governor has
5 notified the Secretary of the United States Department of
6 Health and Human Services in writing that the state has
7 elected to make subsection (2) inapplicable to the state, or
8 if the Legislature, by law, has elected to make subsection (2)
9 inapplicable to the state.

10 Section 152. Section 447.401, Florida Statutes, is
11 amended to read:

12 447.401 Grievance procedures.--Each public employer
13 and bargaining agent shall negotiate a grievance procedure to
14 be used for the settlement of disputes between employer and
15 employee, or group of employees, involving the interpretation
16 or application of a collective bargaining agreement. Such
17 grievance procedure shall have as its terminal step a final
18 and binding disposition by an impartial neutral, mutually
19 selected by the parties; however, when the issue under appeal
20 is an allegation of abuse, abandonment, or neglect by an
21 employee under s. 39.201 or s. 415.1075 ~~or s. 415.504~~, the
22 grievance may not be decided until the abuse, abandonment, or
23 neglect of a child has been judicially determined or until a
24 confirmed report of abuse or neglect of a disabled adult or
25 elderly person has been upheld pursuant to the procedures for
26 appeal in ~~s. ss. 415.1075 and 415.504~~. However, an arbiter or
27 other neutral shall not have the power to add to, subtract
28 from, modify, or alter the terms of a collective bargaining
29 agreement. If an employee organization is certified as the
30 bargaining agent of a unit, the grievance procedure then in
31 existence may be the subject of collective bargaining, and any

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 agreement which is reached shall supersede the previously
 2 existing procedure. All public employees shall have the right
 3 to a fair and equitable grievance procedure administered
 4 without regard to membership or nonmembership in any
 5 organization, except that certified employee organizations
 6 shall not be required to process grievances for employees who
 7 are not members of the organization. A career service
 8 employee shall have the option of utilizing the civil service
 9 appeal procedure, an unfair labor practice procedure, or a
 10 grievance procedure established under this section, but such
 11 employee is precluded from availing himself or herself to more
 12 than one of these procedures.

13 Section 153. Paragraph (d) of subsection (1) of
 14 section 464.018, Florida Statutes, is amended to read:

15 464.018 Disciplinary actions.--

16 (1) The following acts shall be grounds for
 17 disciplinary action set forth in this section:

18 (d) Being found guilty, regardless of adjudication, of
 19 any of the following offenses:

- 20 1. A forcible felony as defined in chapter 776.
- 21 2. A violation of chapter 812, relating to theft,
 22 robbery, and related crimes.
- 23 3. A violation of chapter 817, relating to fraudulent
 24 practices.
- 25 4. A violation of chapter 800, relating to lewdness
 26 and indecent exposure.
- 27 5. A violation of chapter 784, relating to assault,
 28 battery, and culpable negligence.
- 29 6. A violation of chapter 827, relating to child
 30 abuse.
- 31 7. A violation of chapter 415, relating to protection

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 from abuse, neglect, and exploitation.

2 8. A violation of chapter 39, relating to child abuse,
3 abandonment, and neglect.

4 Section 154. Paragraph (a) of subsection (2) of
5 section 490.014, Florida Statutes, is amended to read:

6 490.014 Exemptions.--

7 (2) No person shall be required to be licensed or
8 provisionally licensed under this chapter who:

9 (a) Is a salaried employee of a government agency;
10 developmental services program, mental health, alcohol, or
11 drug abuse facility operating pursuant to chapter 393, chapter
12 394, or chapter 397; subsidized child care program, subsidized
13 child care case management program, or child care resource and
14 referral program operating pursuant to chapter 402;
15 child-placing or child-caring agency licensed pursuant to
16 chapter 409; domestic violence center certified pursuant to
17 chapter 39 ~~415~~; accredited academic institution; or research
18 institution, if such employee is performing duties for which
19 he or she was trained and hired solely within the confines of
20 such agency, facility, or institution.

21 Section 155. Paragraph (a) of subsection (4) of
22 section 491.014, Florida Statutes, is amended to read:

23 491.014 Exemptions.--

24 (4) No person shall be required to be licensed,
25 provisionally licensed, registered, or certified under this
26 chapter who:

27 (a) Is a salaried employee of a government agency;
28 developmental services program, mental health, alcohol, or
29 drug abuse facility operating pursuant to chapter 393, chapter
30 394, or chapter 397; subsidized child care program, subsidized
31 child care case management program, or child care resource and

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 referral program operating pursuant to chapter 402;
2 child-placing or child-caring agency licensed pursuant to
3 chapter 409; domestic violence center certified pursuant to
4 chapter ~~39~~ 415; accredited academic institution; or research
5 institution, if such employee is performing duties for which
6 he or she was trained and hired solely within the confines of
7 such agency, facility, or institution.

8 Section 156. Paragraph (b) of subsection (3) of
9 section 741.30, Florida Statutes, is amended to read:

10 741.30 Domestic violence; injunction; powers and
11 duties of court and clerk; petition; notice and hearing;
12 temporary injunction; issuance of injunction; statewide
13 verification system; enforcement.--

14 (3)

15 (b) The sworn petition shall be in substantially the
16 following form:

17

18 PETITION FOR
19 INJUNCTION FOR PROTECTION
20 AGAINST DOMESTIC VIOLENCE

21

22 Before me, the undersigned authority, personally appeared
23 Petitioner ...(Name)..., who has been sworn and says that the
24 following statements are true:

25 (a) Petitioner resides at: ...(address)...

26 (Petitioner may furnish address to the court in a
27 separate confidential filing if, for safety reasons, the
28 petitioner requires the location of the current residence to
29 be confidential.)

30 (b) Respondent resides at: ...(last known address)...

31 (c) Respondent's last known place of employment:

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 ...(name of business and address)...

2 (d) Physical description of respondent:

3 Race....

4 Sex....

5 Date of birth....

6 Height....

7 Weight....

8 Eye color....

9 Hair color....

10 Distinguishing marks or scars....

11 (e) Aliases of respondent:

12 (f) Respondent is the spouse or former spouse of the
13 petitioner or is any other person related by blood or marriage
14 to the petitioner or is any other person who is or was
15 residing within a single dwelling unit with the petitioner, as
16 if a family, or is a person with whom the petitioner has a
17 child in common, regardless of whether the petitioner and
18 respondent are or were married or residing together, as if a
19 family.

20 (g) The following describes any other cause of action
21 currently pending between the petitioner and respondent:

22

23 The petitioner should also describe any previous or
24 pending attempts by the petitioner to obtain an injunction for
25 protection against domestic violence in this or any other
26 circuit, and the results of that attempt.....

27

28 Case numbers should be included if available.

29 (h) Petitioner has suffered or has reasonable cause to
30 fear imminent domestic violence because respondent has:

31 (i) Petitioner alleges the following additional

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 specific facts: (mark appropriate sections)

2 Petitioner is the custodian of a minor child or
3 children whose names and ages are as follows:

4 Petitioner needs the exclusive use and possession
5 of the dwelling that the parties share.

6 Petitioner is unable to obtain safe alternative
7 housing because:

8 Petitioner genuinely fears that respondent
9 imminently will abuse, remove, or hide the minor child or
10 children from petitioner because:

11

12 (j) Petitioner genuinely fears imminent domestic
13 violence by respondent.

14 (k) Petitioner seeks an injunction: (mark appropriate
15 section or sections)

16 Immediately restraining the respondent from
17 committing any acts of domestic violence.

18 Restraining the respondent from committing any acts
19 of domestic violence.

20 Awarding to the petitioner the temporary exclusive
21 use and possession of the dwelling that the parties share or
22 excluding the respondent from the residence of the petitioner.

23 Awarding temporary custody of, or temporary
24 visitation rights with regard to, the minor child or children
25 of the parties, or prohibiting or limiting visitation to that
26 which is supervised by a third party.

27 Establishing temporary support for the minor child
28 or children or the petitioner.

29 Directing the respondent to participate in a
30 batterers' intervention program or other treatment pursuant to
31 s. 39.901 ~~415-601~~.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Providing any terms the court deems necessary for
2 the protection of a victim of domestic violence, or any minor
3 children of the victim, including any injunctions or
4 directives to law enforcement agencies.

5 Section 157. Subsection (3) of section 744.309,
6 Florida Statutes, is amended to read:

7 744.309 Who may be appointed guardian of a resident
8 ward.--

9 (3) DISQUALIFIED PERSONS.--No person who has been
10 convicted of a felony or who, from any incapacity or illness,
11 is incapable of discharging the duties of a guardian, or who
12 is otherwise unsuitable to perform the duties of a guardian,
13 shall be appointed to act as guardian. Further, no person who
14 has been judicially determined to have committed abuse,
15 abandonment, or neglect against a child as defined in s.
16 39.01~~(2) and (47)~~, or who has a confirmed report of abuse,
17 neglect, or exploitation which has been uncontested or upheld
18 pursuant to the provisions of ss. 415.104 and 415.1075 shall
19 be appointed to act as a guardian. Except as provided in
20 subsection (5) or subsection (6), a person who provides
21 substantial services to the proposed ward in a professional or
22 business capacity, or a creditor of the proposed ward, may not
23 be appointed guardian and retain that previous professional or
24 business relationship. A person may not be appointed a
25 guardian if he or she is in the employ of any person, agency,
26 government, or corporation that provides service to the
27 proposed ward in a professional or business capacity, except
28 that a person so employed may be appointed if he or she is the
29 spouse, adult child, parent, or sibling of the proposed ward
30 or the court determines that the potential conflict of
31 interest is insubstantial and that the appointment would

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 clearly be in the proposed ward's best interest. The court
2 may not appoint a guardian in any other circumstance in which
3 a conflict of interest may occur.

4 Section 158. Section 784.075, Florida Statutes, is
5 amended to read:

6 784.075 Battery on detention or commitment facility
7 staff.--A person who commits a battery on an intake counselor
8 or case manager, as defined in s. 984.03(31) ~~39.01(34)~~, on
9 other staff of a detention center or facility as defined in s.
10 984.03(19) ~~39.01(23)~~, or on a staff member of a commitment
11 facility as defined in s. 985.03(45) ~~39.01(59)(c), (d), or~~
12 ~~(e)~~, commits a felony of the third degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084. For
14 purposes of this section, a staff member of the facilities
15 listed includes persons employed by the Department of Juvenile
16 Justice, persons employed at facilities licensed by the
17 Department of Juvenile Justice, and persons employed at
18 facilities operated under a contract with the Department of
19 Juvenile Justice.

20 Section 159. Section 933.18, Florida Statutes, is
21 amended to read:

22 933.18 When warrant may be issued for search of
23 private dwelling.--No search warrant shall issue under this
24 chapter or under any other law of this state to search any
25 private dwelling occupied as such unless:

- 26 (1) It is being used for the unlawful sale,
27 possession, or manufacture of intoxicating liquor;
28 (2) Stolen or embezzled property is contained therein;
29 (3) It is being used to carry on gambling;
30 (4) It is being used to perpetrate frauds and
31 swindles;

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 (5) The law relating to narcotics or drug abuse is
2 being violated therein;

3 (6) A weapon, instrumentality, or means by which a
4 felony has been committed, or evidence relevant to proving
5 said felony has been committed, is contained therein;

6 (7) One or more of the following misdemeanor child
7 abuse offenses is being committed there:

8 (a) Interference with custody, in violation of s.
9 787.03.

10 (b) Commission of an unnatural and lascivious act with
11 a child, in violation of s. 800.02.

12 (c) Exposure of sexual organs to a child, in violation
13 of s. 800.03.

14 (8) It is in part used for some business purpose such
15 as a store, shop, saloon, restaurant, hotel, or boardinghouse,
16 or lodginghouse;

17 (9) It is being used for the unlawful sale,
18 possession, or purchase of wildlife, saltwater products, or
19 freshwater fish being unlawfully kept therein; or

20 (10) The laws in relation to cruelty to animals have
21 been or are being violated therein, except that no search
22 pursuant to such a warrant shall be made in any private
23 dwelling after sunset and before sunrise unless specially
24 authorized by the judge issuing the warrant, upon a showing of
25 probable cause. Property relating to the violation of such
26 laws may be taken on a warrant so issued from any private
27 dwelling in which it is concealed or from the possession of
28 any person therein by whom it shall have been used in the
29 commission of such offense or from any person therein in whose
30 possession it may be.

31

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 If, during a search pursuant to a warrant issued under this
2 section, a child is discovered and appears to be in imminent
3 danger, the law enforcement officer conducting such search may
4 remove the child from the private dwelling and take the child
5 into protective custody pursuant to chapter 39 s. 415.506.
6 The term "private dwelling" shall be construed to include the
7 room or rooms used and occupied, not transiently but solely as
8 a residence, in an apartment house, hotel, boardinghouse, or
9 lodginghouse. No warrant shall be issued for the search of
10 any private dwelling under any of the conditions hereinabove
11 mentioned except on sworn proof by affidavit of some
12 creditable witness that he or she has reason to believe that
13 one of said conditions exists, which affidavit shall set forth
14 the facts on which such reason for belief is based.

15 Section 160. Subsection (10) of section 943.045,
16 Florida Statutes, is amended to read:

17 943.045 Definitions; ss. 943.045-943.08.--The
18 following words and phrases as used in ss. 943.045-943.08
19 shall have the following meanings:

20 (10) "Criminal justice agency" means:

21 (a) A court.

22 (b) The department.

23 (c) The Department of Juvenile Justice.

24 (d) The Department of Children and Family
25 Services' Protective Investigations, which investigates the
26 crimes of abuse and neglect.

27 (e)(d) Any other governmental agency or subunit
28 thereof which performs the administration of criminal justice
29 pursuant to a statute or rule of court and which allocates a
30 substantial part of its annual budget to the administration of
31 criminal justice.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Section 161. Section 944.401, Florida Statutes, is
2 amended to read:

3 944.401 Escapes from secure detention or residential
4 commitment facility.--An escape from any secure detention
5 facility maintained for the temporary detention of children,
6 pending adjudication, disposition, or placement; an escape
7 from any residential commitment facility defined in s.
8 ~~985.03(45)39.01(59)~~, maintained for the custody, treatment,
9 punishment, or rehabilitation of children found to have
10 committed delinquent acts or violations of law; or an escape
11 from lawful transportation thereto or therefrom constitutes
12 escape within the intent and meaning of s. 944.40 and is a
13 felony of the third degree, punishable as provided in s.
14 775.082, s. 775.083, or s. 775.084.

15 Section 162. Subsection (3) of section 944.705,
16 Florida Statutes, is amended to read:

17 944.705 Release orientation program.--

18 (3) Any inmate who claims to be a victim of domestic
19 violence as defined in s. 741.28 shall receive, as part of the
20 release orientation program, referral to the nearest domestic
21 violence center certified under chapter 39 ss.
22 ~~415.601-415.608~~.

23 Section 163. Subsections (2) and (41) of section
24 984.03, Florida Statutes, as amended by chapter 97-276, Laws
25 of Florida, are amended to read:

26 984.03 Definitions.--When used in this chapter, the
27 term:

28 (2) "Abuse" means any willful act that results in any
29 physical, mental, or sexual injury that causes or is likely to
30 cause the child's physical, mental, or emotional health to be
31 significantly impaired. Corporal discipline of a child by a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 parent or guardian for disciplinary purposes does not in
2 itself constitute abuse when it does not result in harm to the
3 child as defined in s. 39.01 ~~415.503~~.

4 (41) "Parent" means a woman who gives birth to a child
5 and a man whose consent to the adoption of the child would be
6 required under s. 63.062(1)(b). If a child has been legally
7 adopted, the term "parent" means the adoptive mother or father
8 of the child. The term does not include an individual whose
9 parental relationship to the child has been legally
10 terminated, or an alleged or prospective parent, unless the
11 parental status falls within the terms of either s. 39.503
12 ~~39.4051(7)~~ or s. 63.062(1)(b).

13 Section 164. Subsection (4) of section 984.10, Florida
14 Statutes, is amended to read:

15 984.10 Intake.--

16 (4) If the department has reasonable grounds to
17 believe that the child has been abandoned, abused, or
18 neglected, it shall proceed pursuant to the provisions of ~~s.~~
19 ~~415.505~~ and chapter 39.

20 Section 165. Paragraphs (a) and (c) of subsection (3)
21 of section 984.15, Florida Statutes, are amended to read:

22 984.15 Petition for a child in need of services.--

23 (3)(a) The parent, guardian, or legal custodian may
24 file a petition alleging that a child is a child in need of
25 services if:

26 1. The department waives the requirement for a case
27 staffing committee.

28 2. The department fails to convene a meeting of the
29 case staffing committee within 7 days, excluding weekends and
30 legal holidays, after receiving a written request for such a
31 meeting from the child's parent, guardian, or legal custodian.

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 3. The parent, guardian, or legal custodian does not
2 agree with the plan for services offered by the case staffing
3 committee.

4 4. The department fails to provide a written report
5 within 7 days after the case staffing committee meets, as
6 required under s. 984.12(8)~~39.426(8)~~.

7 (c) The petition must be in writing and must set forth
8 specific facts alleging that the child is a child in need of
9 services as defined in s. 984.03(9)~~39.07~~. The petition must
10 also demonstrate that the parent, guardian, or legal custodian
11 has in good faith, but unsuccessfully, participated in the
12 services and processes described in ss. 984.11 and 984.12
13 ~~39.424 and 39.426~~.

14 Section 166. Section 984.24, Florida Statutes, is
15 amended to read:

16 984.24 Appeal.--The state, any child, or the family,
17 guardian ad litem, or legal custodian of any child who is
18 affected by an order of the court pursuant to this chapter
19 ~~part~~ may appeal to the appropriate district court of appeal
20 within the time and in the manner prescribed by the Florida
21 Rules of Appellate Procedure ~~and pursuant to s. 39.413~~.

22 Section 167. Subsection (42) of section 985.03,
23 Florida Statutes, as amended by chapter 97-276, Laws of
24 Florida, is amended to read:

25 985.03 Definitions.--When used in this chapter, the
26 term:

27 (42) "Parent" means a woman who gives birth to a child
28 and a man whose consent to the adoption of the child would be
29 required under s. 63.062(1)(b). If a child has been legally
30 adopted, the term "parent" means the adoptive mother or father
31 of the child. The term does not include an individual whose

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 parental relationship to the child has been legally
 2 terminated, or an alleged or prospective parent, unless the
 3 parental status falls within the terms of either s. 39.503
 4 ~~39.4051(7)~~ or s. 63.062(1)(b).

5 Section 168. Paragraph (c) of subsection (4) of
 6 section 985.303, Florida Statutes, is amended to read:

7 985.303 Neighborhood restorative justice.--

8 (4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.--

9 (c) The board shall require the parent or legal
 10 guardian of the juvenile who is referred to a Neighborhood
 11 Restorative Justice Center to appear with the juvenile before
 12 the board at the time set by the board. In scheduling board
 13 meetings, the board shall be cognizant of a parent's or legal
 14 guardian's other obligations. The failure of a parent or
 15 legal guardian to appear at the scheduled board meeting with
 16 his or her child or ward may be considered by the juvenile
 17 court as an act of child neglect as defined by s. 39.01
 18 ~~415.503(3)~~, and the board may refer the matter to the
 19 Department of Children and Family Services for investigation
 20 under the provisions of chapter 39 415.

21 Section 169. Sections 39.002, 39.0195, 39.0196, 39.39,
 22 39.403, 39.4032, 39.4052, 39.4053, 39.408(3), (4), 39.449,
 23 39.45, 39.451, 39.457, 39.459, 39.4611, 39.462, 39.4625,
 24 39.472, 39.474, 39.475, 415.501, 415.5016, 415.50165,
 25 415.5017, 415.50175, 415.5018, 415.50185, 415.5019, 415.502,
 26 415.503, 415.505, 415.506, 415.5075, 415.509, and 415.514,
 27 Florida Statutes, are repealed.

28 Section 170. There is hereby appropriated to the
 29 Department of Children and Families in a lump sum, \$11,000,000
 30 from the Federal Grants Trust Fund to implement the
 31 Relative-Caregiver Program. The source of funding shall be the

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 Temporary Assistance to Needy Families Block Grant. Any
2 expenditures from the Temporary Assistance for Needy Families
3 block grant shall be expended in accordance with the
4 requirements and limitations of part A of Title IV of the
5 Social Security Act, as amended or any other applicable
6 federal requirement or limitation.

7 Section 171. There is hereby appropriated to the
8 Justice Administration Commission \$3,500,000 from the General
9 Revenue Fund for the purpose of implementing sections 24, 57,
10 and 88 of this act.

11 Section 172. Except as otherwise provided in this act
12 and except for sections 1 through 15 of this act, which shall
13 take effect January 1, 1999, this act shall take effect
14 October 1, 1998.

15
16

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

18 And the title is amended as follows:

19 Delete everything before the enacting clause

20 and insert:

21 A bill to be entitled
22 An act relating to families and children;
23 creating the "Marriage Preparation and
24 Preservation Act"; providing legislative
25 findings; amending s. 232.246, F.S.;
26 prescribing a high school graduation
27 requirement; amending s. 741.01, F.S.;
28 providing for a reduction of the marriage
29 license fee under certain circumstances;
30 creating a waiting period before a marriage
31 license is issued; creating s. 741.0305, F.S.;

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 providing for a premarital preparation course;
2 providing for modification of marriage license
3 fees; specifying course providers; providing
4 course contents; providing for a review of such
5 courses; providing for compilation of
6 information and report of findings; providing
7 for pilot programs; creating s. 741.0306, F.S.;
8 providing for creation of a marriage law
9 handbook created by the Family Law Section of
10 The Florida Bar; providing for information that
11 may be included in the handbook; amending s.
12 741.04, F.S.; prohibiting issuance of a
13 marriage license until petitioners verify
14 certain facts and complete a questionnaire;
15 providing for a waiting period; providing for a
16 waiver of the waiting period; amending s.
17 741.05, F.S.; conforming provisions; amending
18 s. 61.043, F.S.; providing for completion of an
19 informational questionnaire upon filing for
20 dissolution of marriage; amending s. 61.052,
21 F.S.; specifying documents that may be used to
22 corroborate residency requirements; amending s.
23 61.21, F.S.; revising provisions relating to
24 the authorized parenting course offered to
25 educate, train, and assist divorcing parents in
26 regard to the consequences of divorce on
27 parents and children; providing legislative
28 findings and purpose; requiring judicial
29 circuits to approve a parenting course;
30 requiring parties to a dissolution proceeding
31 with a minor child to attend a court-approved

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 parenting family course; providing procedures
2 and guidelines and course objectives; requiring
3 parties to file proof of compliance with the
4 court; authorizing the court to require parties
5 to a modification of a final judgment of
6 dissolution to take the course under certain
7 circumstances; amending s. 28.101, F.S.;
8 providing a fee for filing for dissolution of
9 marriage; amending s. 25.388, F.S.; providing
10 funding for the marriage law handbook;
11 providing an appropriation; reorganizing and
12 revising ch. 39, F.S.; providing for part I of
13 that chapter, entitled "General Provisions";
14 amending s. 39.001, F.S.; revising purposes and
15 intent; providing for personnel standards and
16 screening and for drug testing; renumbering and
17 amending s. 415.5015, F.S., relating to child
18 abuse prevention training in the district
19 school system; amending s. 39.01, F.S.;
20 revising definitions; renumbering and amending
21 s. 39.455, F.S., relating to immunity from
22 liability for agents of the Department of
23 Children and Family Services or a social
24 service agency; amending s. 39.012, F.S., and
25 creating s. 39.0121, F.S.; providing authority
26 and requirements for department rules;
27 renumbering and amending s. 39.40, F.S.,
28 relating to procedures and jurisdiction;
29 providing for right to counsel; renumbering s.
30 39.4057, F.S., relating to permanent mailing
31 address designation; renumbering and amending

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 s. 39.411, F.S., relating to oaths, records,
2 and confidential information; renumbering s.
3 39.414, F.S., relating to court and witness
4 fees; renumbering and amending s. 39.415, F.S.,
5 relating to providing for compensation of
6 appointed counsel; renumbering and amending s.
7 39.418, F.S., relating to the Operations and
8 Maintenance Trust Fund; providing for part II
9 of ch. 39, F.S., entitled "Reporting Child
10 Abuse"; renumbering and amending s. 415.504,
11 F.S., relating to mandatory reports of child
12 abuse, abandonment, or neglect; renumbering and
13 amending s. 415.511, F.S., relating to immunity
14 from liability in cases of child abuse,
15 abandonment, or neglect; renumbering and
16 amending s. 415.512, F.S., relating to
17 abrogation of privileged communications in
18 cases of child abuse, abandonment, or neglect;
19 renumbering and amending s. 415.513, F.S.;
20 deleting the requirement for the Department of
21 Children and Family Services to provide
22 information to the state attorney; providing
23 for the Department of Children and Family
24 Services to report annually to the Legislature
25 the number of reports referred to law
26 enforcement agencies; providing for
27 investigation by local law enforcement agencies
28 of possible false reports; providing for law
29 enforcement agencies to refer certain reports
30 to the state attorney for prosecution;
31 providing for law enforcement entities to

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 handle certain reports of abuse or neglect
2 during the pendency of such an investigation;
3 providing procedures; specifying the penalty
4 for knowingly and willfully making, or advising
5 another to make, a false report; providing for
6 state attorneys to report annually to the
7 Legislature the number of complaints that have
8 resulted in informations or indictments;
9 renumbering and amending s. 415.5131, F.S.;
10 increasing an administrative fine for false
11 reporting; providing for part III of ch. 39,
12 F.S., entitled "Protective Investigations";
13 creating s. 39.301, F.S.; providing for child
14 protective investigations; creating s. 39.302,
15 F.S.; providing for protective investigations
16 of institutional child abuse, abandonment, or
17 neglect; renumbering and amending s. 415.5055,
18 F.S., relating to child protection teams and
19 services and eligible cases; creating s.
20 39.3035, F.S.; providing standards for child
21 advocacy centers eligible for state funding;
22 renumbering and amending s. 415.507, F.S.,
23 relating to photographs, medical examinations,
24 X rays, and medical treatment of an abused,
25 abandoned, or neglected child; renumbering and
26 amending s. 415.5095, F.S., relating to a model
27 plan for intervention and treatment in sexual
28 abuse cases; creating s. 39.306, F.S.;
29 providing for working agreements with local law
30 enforcement to perform criminal investigations;
31 renumbering and amending s. 415.50171, F.S.,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 relating to reports of child-on-child sexual
2 abuse; providing for part IV of ch. 39, F.S.,
3 entitled "Family Builders Program"; renumbering
4 and amending s. 415.515, F.S., relating to
5 establishment of the program; renumbering and
6 amending s. 415.516, F.S., relating to goals of
7 the program; renumbering and amending s.
8 415.517, F.S., relating to contracts for
9 services; renumbering and amending s. 415.518,
10 F.S., relating to family eligibility;
11 renumbering s. 415.519, F.S., relating to
12 delivery of services; renumbering and amending
13 s. 415.520, F.S., relating to qualifications of
14 program workers; renumbering s. 415.521, F.S.,
15 relating to outcome evaluation; renumbering and
16 amending s. 415.522, F.S., relating to funding;
17 providing for part V of ch. 39, F.S., entitled
18 "Taking Children into Custody and Shelter
19 Hearings"; creating s. 39.395, F.S.; providing
20 for medical or hospital personnel taking a
21 child into protective custody; amending s.
22 39.401, F.S.; providing for law enforcement
23 officers or authorized agents of the department
24 taking a child alleged to be dependent into
25 custody; amending s. 39.402, F.S., relating to
26 placement in a shelter; amending s. 39.407,
27 F.S., relating to physical and mental
28 examination and treatment of a child and
29 physical or mental examination of a person
30 requesting custody; renumbering and amending s.
31 39.4033, F.S., relating to referral of a

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 dependency case to mediation; providing for
2 part VI of ch. 39, F.S., entitled "Petition,
3 Arraignment, Adjudication, and Disposition";
4 renumbering and amending s. 39.404, F.S.,
5 relating to petition for dependency;
6 renumbering and amending s. 39.405, F.S.,
7 relating to notice, process, and service;
8 renumbering and amending s. 39.4051, F.S.,
9 relating to procedures when the identity or
10 location of the parent, legal custodian, or
11 caregiver is unknown; renumbering and amending
12 s. 39.4055, F.S., relating to injunction
13 pending disposition of a petition for detention
14 or dependency; renumbering and amending s.
15 39.406, F.S., relating to answers to petitions
16 or other pleadings; renumbering and amending s.
17 39.408, F.S., relating to arraignment hearings;
18 renumbering and amending s. 39.409, F.S.,
19 relating to adjudicatory hearings and orders;
20 renumbering and amending s. 39.41, F.S.,
21 relating to disposition hearings and powers of
22 disposition; creating s. 39.5085, F.S.;
23 establishing the Relative-Caregiver Program;
24 directing the Department of Children and Family
25 Services to establish and operate the
26 Relative-Caregiver Program; providing financial
27 assistance within available resources to
28 relatives caring for children; providing for
29 financial assistance and support services to
30 relatives caring for children placed with them
31 by the child protection system; providing for

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 rules establishing eligibility guidelines,
2 caregiver benefits, and payment schedule;
3 renumbering and amending s. 39.4105, F.S.,
4 relating to grandparents' rights; renumbering
5 and amending s. 39.413, F.S., relating to
6 appeals; providing for part VII of ch. 39,
7 F.S., entitled "Case Plans"; renumbering and
8 amending s. 39.4031, F.S., relating to case
9 plan requirements and case planning for
10 children in out-of-home care; renumbering and
11 amending s. 39.452, F.S., relating to case
12 planning for children in out-of-home care when
13 the parents, legal custodians, or caregivers do
14 not participate; creating s. 39.603, F.S.;
15 providing for court approvals of case planning;
16 providing for part VIII of ch. 39, F.S.,
17 entitled "Judicial Reviews"; renumbering and
18 amending s. 39.453, F.S., relating to judicial
19 review of the status of a child; renumbering
20 and amending s. 39.4531, F.S., relating to
21 citizen review panels; renumbering and amending
22 s. 39.454, F.S., relating to initiation of
23 proceedings for termination of parental rights;
24 renumbering and amending s. 39.456, F.S.;
25 revising exemptions from judicial review;
26 providing for part IX of ch. 39, F.S., entitled
27 "Termination of Parental Rights"; renumbering
28 and amending s. 39.46, F.S., relating to
29 procedures, jurisdiction, and service of
30 process; renumbering and amending s. 39.461,
31 F.S., relating to petition for termination of

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 parental rights, and filing and elements
2 thereof; creating s. 39.803, F.S.; providing
3 procedures when the identity or location of the
4 parent is unknown after filing a petition for
5 termination of parental rights; renumbering s.
6 39.4627, F.S., relating to penalties for false
7 statements of paternity; renumbering and
8 amending s. 39.463, F.S., relating to petitions
9 and pleadings for which no answer is required;
10 renumbering and amending s. 39.464, F.S.,
11 relating to grounds for termination of paternal
12 rights; renumbering and amending s. 39.465,
13 F.S., relating to right to counsel and
14 appointment of a guardian ad litem; renumbering
15 and amending s. 39.466, F.S., relating to
16 advisory hearings; renumbering and amending s.
17 39.467, F.S., relating to adjudicatory
18 hearings; renumbering and amending s. 39.4612,
19 F.S., relating to the manifest best interests
20 of the child; renumbering and amending s.
21 39.469, F.S., relating to powers of disposition
22 and order of disposition; renumbering and
23 amending s. 39.47, F.S., relating to
24 post-disposition relief; creating s. 39.813,
25 F.S.; providing for continuing jurisdiction of
26 the court that terminates parental rights over
27 all matters pertaining to the child's adoption;
28 renumbering s. 39.471, F.S., relating to oaths,
29 records, and confidential information;
30 renumbering and amending s. 39.473, F.S.,
31 relating to appeal; creating s. 39.816, F.S.;

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 authorizing certain pilot and demonstration
2 projects contingent on receipt of federal
3 grants or contracts; creating s. 39.817, F.S.;
4 providing for a foster care demonstration pilot
5 project; providing for part X of ch. 39, F.S.,
6 entitled "Guardians Ad Litem and Guardian
7 Advocates"; creating s. 39.820, F.S.; providing
8 definitions; renumbering s. 415.5077, F.S.,
9 relating to qualifications of guardians ad
10 litem; renumbering and amending s. 415.508,
11 F.S., relating to appointment of a guardian ad
12 litem for an abused, abandoned, or neglected
13 child; renumbering and amending s. 415.5082,
14 F.S., relating to guardian advocates for drug
15 dependent newborns; renumbering and amending s.
16 415.5083, F.S., relating to procedures and
17 jurisdiction; renumbering s. 415.5084, F.S.,
18 relating to petition for appointment of a
19 guardian advocate; renumbering s. 415.5085,
20 F.S., relating to process and service;
21 renumbering and amending s. 415.5086, F.S.,
22 relating to hearing for appointment of a
23 guardian advocate; renumbering and amending s.
24 415.5087, F.S., relating to grounds for
25 appointment of a guardian advocate; renumbering
26 s. 415.5088, F.S., relating to powers and
27 duties of the guardian advocate; renumbering
28 and amending s. 415.5089, F.S., relating to
29 review and removal of a guardian advocate;
30 providing for part XI of ch. 39, F.S., entitled
31 "Domestic Violence"; renumbering s. 415.601,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 F.S., relating to legislative intent regarding
2 treatment and rehabilitation of victims and
3 perpetrators; renumbering and amending s.
4 415.602, F.S., relating to definitions;
5 renumbering and amending s. 415.603, F.S.,
6 relating to duties and functions of the
7 department; renumbering and amending s.
8 415.604, F.S., relating to an annual report to
9 the Legislature; renumbering and amending s.
10 415.605, F.S., relating to domestic violence
11 centers; renumbering s. 415.606, F.S., relating
12 to referral to such centers and notice of
13 rights; renumbering s. 415.608, F.S., relating
14 to confidentiality of information received by
15 the department or a center; amending s. 20.19,
16 F.S.; providing for certification programs for
17 family safety and preservation employees of the
18 department; providing for rules; amending ss.
19 20.43, 61.13, 61.401, 61.402, 63.052, 63.092,
20 90.5036, 154.067, 216.136, 232.50, 318.21,
21 384.29, 392.65, 393.063, 395.1023, 400.4174,
22 400.556, 402.165, 402.166, 409.1672, 409.176,
23 409.2554, 409.912, 409.9126, 414.065, 447.401,
24 464.018, 490.014, 491.014, 741.30, 744.309,
25 784.075, 933.18, 944.401, 944.705, 984.03,
26 984.10, 984.15, 984.24, 985.03, 985.303, F.S.;
27 correcting cross-references; conforming related
28 provisions and references; amending ss. 213.053
29 and 409.2577, F.S.; authorizing disclosure of
30 certain confidential taxpayer and parent
31 locator information for diligent search

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 activities under ch. 39, F.S.; creating s.
2 435.045, F.S.; providing background screening
3 requirements for prospective foster or adoptive
4 parents; amending s. 943.045, F.S.; providing
5 that the Department of Children and Family
6 Services is a "criminal justice agency" for
7 purposes of the criminal justice information
8 system; repealing s. 39.002, F.S., relating to
9 intent; repealing s. 39.0195, F.S., relating to
10 sheltering unmarried minors and aiding
11 unmarried runaways; repealing s. 39.0196, F.S.,
12 relating to children locked out of the home;
13 repealing ss. 39.39, 39.449, and 39.459, F.S.,
14 relating to definition of "department";
15 repealing s. 39.403, F.S., relating to
16 protective investigation; repealing s. 39.4032,
17 F.S., relating to multidisciplinary case
18 staffing; repealing s. 39.4052, F.S., relating
19 to affirmative duty of written notice to adult
20 relatives; repealing s. 39.4053, F.S., relating
21 to diligent search after taking a child into
22 custody; repealing s. 39.408(3), (4), F.S.,
23 relating to disposition hearings and notice of
24 hearings; repealing s. 39.45, F.S., relating to
25 legislative intent regarding foster care;
26 repealing s. 39.451, F.S., relating to case
27 planning; repealing s. 39.457, F.S., relating
28 to a pilot program in Leon County to provide
29 additional benefits to children in foster care;
30 repealing s. 39.4611, F.S., relating to
31 elements of petitions; repealing s. 39.462,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 F.S., relating to process and services;
2 repealing s. 39.4625, F.S., relating to
3 identity or location of parent unknown after
4 filing of petition for termination of parental
5 rights; repealing s. 39.472, F.S., relating to
6 court and witness fees; repealing s. 39.474,
7 F.S., relating to compensation of counsel;
8 repealing s. 39.475, F.S., relating to rights
9 of grandparents; repealing s. 415.501, F.S.,
10 relating to the state plan for prevention of
11 abuse and neglect; repealing ss. 415.5016,
12 415.50165, 415.5017, 415.50175, 415.5018,
13 415.50185, and 415.5019, F.S., relating to
14 purpose and legislative intent, definitions,
15 procedures, confidentiality of records,
16 district authority and responsibilities,
17 outcome evaluation, and rules for the family
18 services response system; repealing s. 415.502,
19 F.S., relating to legislative intent for
20 comprehensive protective services for abused or
21 neglected children; repealing s. 415.503, F.S.,
22 relating to definitions; repealing s. 415.505,
23 F.S., relating to child protective
24 investigations and investigations of
25 institutional child abuse or neglect; repealing
26 s. 415.506, F.S., relating to taking a child
27 into protective custody; repealing s. 415.5075,
28 F.S., relating to rules for medical screening
29 and treatment of children; repealing s.
30 415.509, F.S., relating to public agencies'
31 responsibilities for prevention,

Bill No. HB 1019, 2nd Eng.

Amendment No. ____

1 identification, and treatment of child abuse
2 and neglect; repealing s. 415.514, F.S.,
3 relating to rules for protective services;
4 providing appropriations; providing effective
5 dates.

6
7 WHEREAS, the Florida Legislature endorses and
8 encourages marriage as a means of promoting stability and
9 continuity in society, and

10 WHEREAS, children of divorced parents can suffer
11 long-lasting adverse consequences from the break-up of their
12 parents' relationship and the existing family law system, and

13 WHEREAS, recent annual statistics show that for every
14 two marriages in Florida, one ends in divorce, and

15 WHEREAS, the state has a compelling interest in
16 promoting those relationships which inure to the benefit of
17 Florida's children, and

18 WHEREAS, the state has a compelling interest in
19 educating its citizens with regard to the responsibilities of
20 marriage and, if contemplated, the effects of divorce, NOW,
21 THEREFORE,

22
23
24
25
26
27
28
29
30
31