

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Frankel offered the following:

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13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause

15

16 and insert in lieu thereof:

17

Section 1. Part I of chapter 39, Florida Statutes, consisting of sections 39.001, 39.01, 39.011, 39.012, 39.0121, 39.013, 39.0131, 39.0132, 39.0133, 39.0134, and 39.0135, Florida Statutes, shall be entitled to read:

21

PART I

22

GENERAL PROVISIONS

23

Section 2. Section 39.001, Florida Statutes, is amended, subsection (3) of said section is renumbered as subsection (9), section 39.002, Florida Statutes, is renumbered as subsections (3), (4), and (5) of said section and amended, and section 415.501, Florida Statutes, is renumbered as subsections (6), (7), and (8) of said section and amended, to read:

30

39.001 Purposes and intent; personnel standards and screening.--

31

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

3 ~~(a)(b)~~ To provide for the care, safety, and protection
4 of children in an environment that fosters healthy social,
5 emotional, intellectual, and physical development; to ensure
6 secure and safe custody; and to promote the health and
7 well-being of all children under the state's care.

8 (b) To recognize that most families desire to be
9 competent caregivers and providers for their children and that
10 children achieve their greatest potential when families are
11 able to support and nurture the growth and development of
12 their children. Therefore, the Legislature finds that policies
13 and procedures that provide for intervention through the
14 department's child protection system should be based on the
15 following principles:

16 1. The health and safety of the children served shall
17 be of paramount concern.

18 2. The intervention should engage families in
19 constructive, supportive, and nonadversarial relationships.

20 3. The intervention should intrude as little as
21 possible into the life of the family, be focused on clearly
22 defined objectives, and take the most parsimonious path to
23 remedy a family's problems.

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

27 (c) To provide a child protection system that reflects
28 a partnership between the department, other agencies, and
29 local communities.

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 (e) To provide procedures which allow the department
2 to respond to reports of child abuse, abandonment, or neglect
3 in the most efficient and effective manner that ensures the
4 health and safety of children and the integrity of families.

5 ~~(c) To ensure the protection of society, by providing~~
6 ~~for a comprehensive standardized assessment of the child's~~
7 ~~needs so that the most appropriate control, discipline,~~
8 ~~punishment, and treatment can be administered consistent with~~
9 ~~the seriousness of the act committed, the community's~~
10 ~~long-term need for public safety, the prior record of the~~
11 ~~child and the specific rehabilitation needs of the child,~~
12 ~~while also providing whenever possible restitution to the~~
13 ~~victim of the offense.~~

14 (f)(d) To preserve and strengthen the child's family
15 ties whenever possible, removing the child from parental
16 custody only when his or her welfare or the safety and
17 protection of the public cannot be adequately safeguarded
18 without such removal.; and, when the child is removed from his
19 or her own family, to secure for the child custody, care, and
20 discipline as nearly as possible equivalent to that which
21 should have been given by the parents; and to assure, in all
22 cases in which a child must be permanently removed from
23 parental custody, that the child be placed in an approved
24 family home, adoptive home, independent living program, or
25 other placement that provides the most stable and permanent
26 living arrangement for the child, as determined by the court.

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

31 (h) To ensure that permanent placement with the

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 biological or adoptive family is achieved as soon as possible
2 for every child in foster care and that no child remains in
3 foster care longer than 1 year.

4 (i) To secure for the child, when removal of the child
5 from his or her own family is necessary, custody, care, and
6 discipline as nearly as possible equivalent to that which
7 should have been given by the parents; and to ensure, in all
8 cases in which a child must be removed from parental custody,
9 that the child is placed in an approved relative home,
10 licensed foster home, adoptive home, or independent living
11 program that provides the most stable and potentially
12 permanent living arrangement for the child, as determined by
13 the court. All placements shall be in a safe environment where
14 drugs and alcohol are not abused.

15 (j) To ensure that, when reunification or adoption is
16 not possible, the child will be prepared for alternative
17 permanency goals or placements, to include, but not be limited
18 to, long-term foster care, independent living, custody to a
19 relative on a permanent basis with or without legal
20 guardianship, or custody to a foster parent or caregiver on a
21 permanent basis with or without legal guardianship.

22 (k) To make every possible effort, when two or more
23 children who are in the care or under the supervision of the
24 department are siblings, to place the siblings in the same
25 home; and in the event of permanent placement of the siblings,
26 to place them in the same adoptive home or, if the siblings
27 are separated, to keep them in contact with each other.

28 (l)(a) To provide judicial and other procedures to
29 assure due process through which children, parents, and
30 guardians and other interested parties are assured fair
31 hearings by a respectful and respected court or other tribunal

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 and the recognition, protection, and enforcement of their
2 constitutional and other legal rights, while ensuring that
3 public safety interests and the authority and dignity of the
4 courts are adequately protected.

5 (m) To ensure that children under the jurisdiction of
6 the courts are provided equal treatment with respect to goals,
7 objectives, services, and case plans, without regard to the
8 location of their placement. It is the further intent of the
9 Legislature that, when children are removed from their homes,
10 disruption to their education be minimized to the extent
11 possible.

12 ~~(e)1. To assure that the adjudication and disposition~~
13 ~~of a child alleged or found to have committed a violation of~~
14 ~~Florida law be exercised with appropriate discretion and in~~
15 ~~keeping with the seriousness of the offense and the need for~~
16 ~~treatment services, and that all findings made under this~~
17 ~~chapter be based upon facts presented at a hearing that meets~~
18 ~~the constitutional standards of fundamental fairness and due~~
19 ~~process.~~

20 ~~2. To assure that the sentencing and placement of a~~
21 ~~child tried as an adult be appropriate and in keeping with the~~
22 ~~seriousness of the offense and the child's need for~~
23 ~~rehabilitative services, and that the proceedings and~~
24 ~~procedures applicable to such sentencing and placement be~~
25 ~~applied within the full framework of constitutional standards~~
26 ~~of fundamental fairness and due process.~~

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

30 (2) DEPARTMENT CONTRACTS.--The department of Juvenile
31 Justice or the Department of Children and Family Services, as

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 ~~appropriate,~~ may contract with the Federal Government, other
2 state departments and agencies, county and municipal
3 governments and agencies, public and private agencies, and
4 private individuals and corporations in carrying out the
5 purposes of, and the responsibilities established in, this
6 chapter.

7 (a) When the department ~~of Juvenile Justice or the~~
8 ~~Department of Children and Family Services~~ contracts with a
9 provider for any program for children, all personnel,
10 including owners, operators, employees, and volunteers, in the
11 facility must be of good moral character. A volunteer who
12 assists on an intermittent basis for less than 40 hours per
13 month need not be screened if the volunteer is under direct
14 and constant supervision by persons who meet the screening
15 requirements.

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

22 (c) The department ~~of Juvenile Justice or the~~
23 ~~Department of Children and Family Services~~ may grant
24 exemptions from disqualification from working with children as
25 provided in s. 435.07.

26 (d) The department shall require all job applicants,
27 current employees, volunteers, and contract personnel who
28 currently perform or are seeking to perform child protective
29 investigations to be drug tested pursuant to the procedures
30 and requirements of s. 112.0455, the Drug-Free Workplace Act.
31 The department is authorized to adopt rules, policies, and

1 procedures necessary to implement this paragraph.

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

7 ~~39.002 Legislative intent.~~

8 (3)(1) GENERAL PROTECTIONS FOR CHILDREN.--It is a
9 purpose of the Legislature that the children of this state be
10 provided with the following protections:

11 (a) Protection from abuse, abandonment, neglect, and
12 exploitation.

13 (b) A permanent and stable home.

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

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

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

19 (f) Equal opportunity and access to quality and
20 effective education, which will meet the individual needs of
21 each child, and to recreation and other community resources to
22 develop individual abilities.

23 (g) Access to preventive services.

24 (h) An independent, trained advocate, when
25 intervention is necessary and a skilled guardian or caregiver
26 ~~caretaker~~ in a safe environment when alternative placement is
27 necessary.

28 (4)(2) SUBSTANCE ABUSE SERVICES.--The Legislature
29 finds that children in the care of the state's dependency
30 system and delinquency systems need appropriate health care
31 services, that the impact of substance abuse on health

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

16 (5)~~(3)~~ PARENTAL, CUSTODIAL, AND GUARDIAN
 17 RESPONSIBILITIES.--Parents, custodians, and guardians are
 18 deemed by the state to be responsible for providing their
 19 children with sufficient support, guidance, and supervision ~~to~~
 20 ~~deter their participation in delinquent acts~~. The state
 21 further recognizes that the ability of parents, custodians,
 22 and guardians to fulfill those responsibilities can be greatly
 23 impaired by economic, social, behavioral, emotional, and
 24 related problems. It is therefore the policy of the
 25 Legislature that it is the state's responsibility to ensure
 26 that factors impeding the ability of caregivers ~~caretakers~~ to
 27 fulfill their responsibilities are identified through the
 28 dependency ~~delinquency intake~~ process and that appropriate
 29 recommendations ~~and services~~ to address those problems are
 30 considered in any judicial or nonjudicial proceeding.

31 ~~415.501 Prevention of abuse and neglect of children;~~

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 ~~state plan.--~~

2 (6)(1) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
3 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
4 child abuse, abandonment, and ~~child~~ neglect has increased
5 rapidly over the past 5 years. The impact that abuse,
6 abandonment, or neglect has on the victimized child, siblings,
7 family structure, and inevitably on all citizens of the state
8 has caused the Legislature to determine that the prevention of
9 child abuse, abandonment, and neglect shall be a priority of
10 this state. To further this end, it is the intent of the
11 Legislature that a comprehensive approach for the prevention
12 of abuse, abandonment, and neglect of children be developed
13 for the state and that this planned, comprehensive approach be
14 used as a basis for funding.

15 (7)(2) PLAN FOR COMPREHENSIVE APPROACH.--

16 (a) The department ~~of Children and Family Services~~
17 shall develop a state plan for the prevention of abuse,
18 abandonment, and neglect of children and shall submit the plan
19 to the Speaker of the House of Representatives, the President
20 of the Senate, and the Governor no later than January 1, 1983.
21 The Department of Education and the Division of Children's
22 Medical Services of the Department of Health shall participate
23 and fully cooperate in the development of the state plan at
24 both the state and local levels. Furthermore, appropriate
25 local agencies and organizations shall be provided an
26 opportunity to participate in the development of the state
27 plan at the local level. Appropriate local groups and
28 organizations shall include, but not be limited to, community
29 mental health centers; guardian ad litem programs for children
30 under the circuit court; the school boards of the local school
31 districts; the district human rights advocacy committees;

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

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

28 a. Developing a plan of action for better coordination
29 and integration of the goals, activities, and funding
30 pertaining to the prevention of child abuse, abandonment, and
31 neglect conducted by the department in order to maximize staff

1 and resources at the state level. The plan of action shall be
2 included in the state plan.

3 b. Providing a basic format to be utilized by the
4 districts in the preparation of local plans of action in order
5 to provide for uniformity in the district plans and to provide
6 for greater ease in compiling information for the state plan.

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

9 d. Examining the local plans to determine if all the
10 requirements of the local plans have been met and, if they
11 have not, informing the districts of the deficiencies and
12 requesting the additional information needed.

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

26 f. Working with the specified state agency in
27 fulfilling the requirements of subparagraphs 2., 3., 4., and
28 5.

29 2. The department, the Department of Education, the
30 ~~Department of Children and Family Services,~~ and the Department
31 of Health shall work together in developing ways to inform and

1 instruct parents of school children and appropriate district
2 school personnel in all school districts in the detection of
3 child abuse, abandonment, and neglect and in the proper action
4 that should be taken in a suspected case of child abuse,
5 abandonment, or neglect, and in caring for a child's needs
6 after a report is made. The plan for accomplishing this end
7 shall be included in the state plan.

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

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

23 5. The department, the Department of Education, ~~the~~
24 ~~Department of Children and Family Services~~, and the Department
25 of Health shall work together on the enhancement or adaptation
26 of curriculum materials to assist instructional personnel in
27 providing instruction through a multidisciplinary approach on
28 the identification, intervention, and prevention of child
29 abuse, abandonment, and neglect. The curriculum materials
30 shall be geared toward a sequential program of instruction at
31 the four progressional levels, K-3, 4-6, 7-9, and 10-12.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 Strategies for encouraging all school districts to utilize the
2 curriculum are to be included in the comprehensive state plan
3 for the prevention of child abuse, abandonment, and ~~child~~
4 neglect.

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

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

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)(3) FUNDING AND SUBSEQUENT PLANS.--

30 (a) All budget requests submitted by the department of
31 ~~Children and Family Services~~, the Department of Education, or

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

4 (b) The department ~~of Children and Family Services~~ at
 5 the state and district levels and the other agencies listed in
 6 paragraph ~~(7)(2)~~(a) shall readdress the plan and make
 7 necessary revisions every 5 years, at a minimum. Such
 8 revisions shall be submitted to the Speaker of the House of
 9 Representatives and the President of the Senate no later than
 10 June 30 of each year divisible by 5. An annual progress
 11 report shall be submitted to update the plan in the years
 12 between the 5-year intervals. In order to avoid duplication
 13 of effort, these required plans may be made a part of or
 14 merged with other plans required by either the state or
 15 Federal Government, so long as the portions of the other state
 16 or Federal Government plan that constitute the state plan for
 17 the prevention of child abuse, abandonment, and neglect are
 18 clearly identified as such and are provided to the Speaker of
 19 the House of Representatives and the President of the Senate
 20 as required above.

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

24 Section 3. Section 415.5015, Florida Statutes, is
 25 renumbered as section 39.0015, Florida Statutes, and amended
 26 to read:

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

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

31 (2) LEGISLATIVE INTENT.--It is the intent of the

1 Legislature that primary prevention training for all children
2 in kindergarten through grade 12 be encouraged in the district
3 school system through the training of school teachers,
4 guidance counselors, parents, and children.

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

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

7 (b) "Child abuse" means those acts as defined in ss.
8 39.01, ~~415.503~~, and 827.04.

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

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

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

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

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

28 (c) Crisis counseling techniques.

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

31 (e) Physical and behavioral indicators of abuse.

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

1 4. Provide assistance to local school districts,
 2 including, but not limited to, all of the following:
 3 administration, management, program development, multicultural
 4 staffing, and community education, in order to better meet the
 5 requirements of this section and of ss. 39.001, 231.17, and
 6 236.0811, and 415.501.

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

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

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

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

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

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

31 2. Have shown capacity for training primary prevention

1 and training programs as provided for in subsections (3) and
2 ~~defined in subsection (4).~~

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

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

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

11 6. Have established broad community support.

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

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

22 Section 4. Section 39.01, Florida Statutes, as amended
23 by chapter 97-276, Laws of Florida, is amended to 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

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

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 which
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.

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, that 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~~

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

9 (18)(15) "Court," unless otherwise expressly stated,
 10 means the circuit court assigned to exercise jurisdiction
 11 under this chapter.

12 (19)(16) "Department," ~~as used in this chapter,~~ means
 13 the Department of Children and Family Services.

14 (20)(17) "Diligent efforts by a parent, legal
 15 custodian, or caregiver" means a course of conduct which
 16 results in a reduction in risk to the child in the child's
 17 home that would allow the child to be safely placed
 18 permanently back in the home as set forth in the case plan.

19 (21)(18) "Diligent efforts of social service agency"
 20 means reasonable efforts to provide social services or
 21 reunification services made by any social service agency ~~as~~
 22 ~~defined in this section~~ that is a party to a case plan.

23 (22)(19) "Diligent search" means the efforts of a
 24 social service agency to locate a parent or prospective parent
 25 whose identity or location is unknown, ~~or a relative made~~
 26 ~~known to the social services agency by the parent or custodian~~
 27 ~~of a child. When the search is for a parent, prospective~~
 28 ~~parent, or relative of a child in the custody of the~~
 29 ~~department, this search must be~~ initiated as soon as the
 30 social service agency is made aware of the existence of such
 31 parent, with the search progress reported at each court

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

17 (23)~~(20)~~ "Disposition hearing" means a hearing in
18 which the court determines the most appropriate family support
19 ~~dispositional~~ services in the least restrictive available
20 setting ~~provided for under s. 39.408(3), in dependency cases,~~
21 ~~or s. 39.469, in termination of parental rights cases.~~

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

24 (25)~~(21)~~ "District administrator" means the chief
25 operating officer of each service district of the department
26 ~~of Children and Family Services~~ as defined in s. 20.19(7)~~(6)~~
27 and, where appropriate, includes any ~~each~~ district
28 administrator whose service district falls within the
29 boundaries of a judicial circuit.

30 (26) "Expedited termination of parental rights" means
31 proceedings wherein a case plan with the goal of reunification

1 is not being offered.

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

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

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

8 (c) Acquiring custody of a child; or

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

11
12 The term "false report" does not include a report of abuse,
13 neglect, or abandonment of a child made in good faith to the
14 central abuse hotline.

15 (28)~~(22)~~ "Family" means a collective body of persons,
16 consisting of a child and a parent, legal guardian, adult
17 custodian, caregiver, or adult relative, in which:

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

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

24 (29)~~(23)~~ "Foster care" means care provided a child in
25 a foster family or boarding home, group home, agency boarding
26 home, child care institution, or any combination thereof.

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

30 (a) Inflicts or allows to be inflicted upon the child
31 physical, mental, or emotional injury. In determining whether

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

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

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

21
22 As used in this subparagraph, the term "willful" refers to the
23 intent to perform an action, not to the intent to achieve a
24 result or to cause an injury.

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

1 Schedule II of s. 893.03.

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

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

18 a. Sprains, dislocations, or cartilage damage.

19 b. Bone or skull fractures.

20 c. Brain or spinal cord damage.

21 d. Intracranial hemorrhage or injury to other internal
22 organs.

23 e. Asphyxiation, suffocation, or drowning.

24 f. Injury resulting from the use of a deadly weapon.

25 g. Burns or scalding.

26 h. Cuts, lacerations, punctures, or bites.

27 i. Permanent or temporary disfigurement.

28 j. Permanent or temporary loss or impairment of a body
29 part or function.

30 k. Significant bruises or welts.

31 (b) Commits, or allows to be committed, sexual

1 battery, as defined in chapter 794, or lewd or lascivious
2 acts, as defined in chapter 800, against the child.

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

- 6 1. Solicit for or engage in prostitution; or
7 2. Engage in a sexual performance, as defined by
8 chapter 827.

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

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

24 (f) Neglects the child. Within the context of the
25 definition of "harm," the term "neglects the child" means that
26 the parent or other person responsible for the child's welfare
27 fails to supply the child with adequate food, clothing,
28 shelter, or health care, although financially able to do so or
29 although offered financial or other means to do so. However,
30 a parent, legal custodian, or caregiver who, by reason of the
31 legitimate practice of religious beliefs, does not provide

1 specified medical treatment for a child may not be considered
2 abusive or neglectful for that reason alone, but such an
3 exception does not:

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

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

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

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

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

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

23
24 As used in this paragraph, the term "controlled substance"
25 means prescription drugs not prescribed for the parent or not
26 administered as prescribed and controlled substances as
27 outlined in Schedule I or Schedule II of s. 893.03.

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

30 (i) Engages in violent behavior that demonstrates a
31 wanton disregard for the presence of a child and could

1 reasonably result in serious injury to the child.

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

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

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

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

18 (33)(25) "Judge" means the circuit judge exercising
19 jurisdiction pursuant to this chapter.

20 (34)(26) "Legal custody" means a legal status created
21 by court order or letter of guardianship which vests in a
22 custodian of the person or guardian, whether an agency or an
23 individual, the right to have physical custody of the child
24 and the right and duty to protect, train, and discipline the
25 child and to provide him or her with food, shelter, education,
26 and ordinary medical, dental, psychiatric, and psychological
27 care. The legal custodian is the person or entity in whom the
28 legal right to custody is vested.

29 (35) "Legal guardianship" means a judicially created
30 relationship between the child and caregiver which is intended
31 to be permanent and self-sustaining and is provided pursuant

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 to the procedures in chapter 744.

2 (36)~~(27)~~ "Licensed child-caring agency" means a
3 person, society, association, or agency licensed by the
4 department ~~of Children and Family Services~~ to care for,
5 receive, and board children.

6 (37)~~(28)~~ "Licensed child-placing agency" means a
7 person, society, association, or institution licensed by the
8 department ~~of Children and Family Services~~ to care for,
9 receive, or board children and to place children in a licensed
10 child-caring institution or a foster or adoptive home.

11 (38)~~(29)~~ "Licensed health care professional" means a
12 physician licensed under chapter 458, an osteopathic physician
13 licensed under chapter 459, a nurse licensed under chapter
14 464, a physician assistant certified under chapter 458 or
15 chapter 459, or a dentist licensed under chapter 466.

16 (39)~~(30)~~ "Likely to injure oneself" means that, as
17 evidenced by violent or other actively self-destructive
18 behavior, it is more likely than not that within a 24-hour
19 period the child will attempt to commit suicide or inflict
20 serious bodily harm on himself or herself.

21 (40)~~(31)~~ "Likely to injure others" means that it is
22 more likely than not that within a 24-hour period the child
23 will inflict serious and unjustified bodily harm on another
24 person.

25 (41)~~(32)~~ "Long-term relative custodian" means an adult
26 relative who is a party to a long-term custodial relationship
27 created by a court order pursuant to this chapter ~~s-~~
28 ~~39.41(2)(a)5~~.

29 (42)~~(33)~~ "Long-term relative custody" or "long-term
30 custodial relationship" means the relationship that a juvenile
31 court order creates between a child and an adult relative of

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

19 (43)~~(34)~~ "Mediation" means a process whereby a neutral
20 third person called a mediator acts to encourage and
21 facilitate the resolution of a dispute between two or more
22 parties. It is an informal and nonadversarial process with
23 the objective of helping the disputing parties reach a
24 mutually acceptable and voluntary agreement. ~~In mediation,~~
25 ~~decisionmaking authority rests with the parties.~~ The role of
26 the mediator includes, but is not limited to, assisting the
27 parties in identifying issues, fostering joint problem
28 solving, and exploring settlement alternatives.

29 (44) "Mental injury" means an injury to the
30 intellectual or psychological capacity of a child as evidenced
31 by a discernible and substantial impairment in the ability to

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 function within the normal range of performance and behavior.

2 (45)~~(35)~~ "Necessary medical treatment" means care
3 which is necessary within a reasonable degree of medical
4 certainty to prevent the deterioration of a child's condition
5 or to alleviate immediate pain of a child.

6 (46)~~(36)~~ "Neglect" occurs when the parent or legal
7 custodian of a child or, in the absence of a parent or legal
8 custodian, the caregiver ~~person primarily responsible for the~~
9 ~~child's welfare~~ deprives a child of, or allows a child to be
10 deprived of, necessary food, clothing, shelter, or medical
11 treatment or permits a child to live in an environment when
12 such deprivation or environment causes the child's physical,
13 mental, or emotional health to be significantly impaired or to
14 be in danger of being significantly impaired. The foregoing
15 circumstances shall not be considered neglect if caused
16 primarily by financial inability unless actual services for
17 relief have been offered to and rejected by such person. A
18 parent, legal custodian, or caregiver ~~guardian~~ legitimately
19 practicing religious beliefs in accordance with a recognized
20 church or religious organization who thereby does not provide
21 specific medical treatment for a child shall not, for that
22 reason alone, be considered a negligent parent, legal
23 custodian, or caregiver ~~guardian~~; however, such an exception
24 does not preclude a court from ordering the following services
25 to be provided, when the health of the child so requires:

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

29 (b) Treatment by a duly accredited practitioner who
30 relies solely on spiritual means for healing in accordance
31 with the tenets and practices of a well-recognized church or

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 religious organization.

2

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

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

18 (48)(37) "Next of kin" means an adult relative of a
19 child who is the child's brother, sister, grandparent, aunt,
20 uncle, or first cousin.

21 (49)(38) "Parent" means a woman who gives birth to a
22 child and a man whose consent to the adoption of the child
23 would be required under s. 63.062(1)(b). If a child has been
24 legally adopted, the term "parent" means the adoptive mother
25 or father of the child. The term does not include an
26 individual whose parental relationship to the child has been
27 legally terminated, or an alleged or prospective parent,
28 unless the parental status falls within the terms of ~~either s.~~
29 ~~39.4051(7) or~~ s. 63.062(1)(b).

30 (50)(39) "Participant," for purposes of a shelter
31 proceeding, dependency proceeding, or termination of parental

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

10 (51)(40) "Party," for purposes of a shelter
11 proceeding, dependency proceeding, or termination of parental
12 rights proceeding, means the parent or legal custodian of the
13 child, the petitioner, the department, the guardian ad litem
14 or the representative of the guardian ad litem program when
15 the program ~~one~~ has been appointed, and the child. The
16 presence of the child may be excused by order of the court
17 when presence would not be in the child's best interest.
18 Notice to the child may be excused by order of the court when
19 the age, capacity, or other condition of the child is such
20 that the notice would be meaningless or detrimental to the
21 child.

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

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

27 (54)(41) "Preliminary screening" means the gathering
28 of preliminary information to be used in determining a child's
29 need for further evaluation or assessment or for referral for
30 other substance abuse services through means such as
31 psychosocial interviews; urine and breathalyzer screenings;

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 and reviews of available educational, delinquency, and
2 dependency records of the child.

3 ~~(55)(42)~~ "Preventive services" means social services
4 and other supportive and rehabilitative services provided to
5 the parent of the child, the legal custodian ~~guardian~~ of the
6 child, or the caregiver ~~custodian~~ of the child and to the
7 child for the purpose of averting the removal of the child
8 from the home or disruption of a family which will or could
9 result in the placement of a child in foster care. Social
10 services and other supportive and rehabilitative services
11 shall promote the child's need for physical, mental, and
12 emotional health and a safe, ~~continuous,~~ stable, living
13 environment, ~~and~~ shall promote family autonomy, and shall
14 strengthen family life, ~~as the first priority~~ whenever
15 possible.

16 ~~(56)(43)~~ "Prospective parent" means a person who
17 claims to be, or has been identified as, a person who may be a
18 mother or a father of a child.

19 ~~(57)(44)~~ "Protective investigation" means the
20 acceptance of a report alleging child abuse, abandonment, or
21 neglect, as defined in this chapter ~~s. 415.503~~, by the central
22 abuse hotline or the acceptance of a report of other
23 dependency by the department ~~local children, youth, and~~
24 ~~families office of the Department of Children and Family~~
25 ~~Services~~; the investigation ~~and classification~~ of each report;
26 the determination of whether action by the court is warranted;
27 the determination of the disposition of each report without
28 court or public agency action when appropriate; and the
29 referral of a child to another public or private agency when
30 appropriate; ~~and the recommendation by the protective~~
31 ~~investigator of court action when appropriate.~~

1 ~~(58)(45)~~ "Protective investigator" means an authorized
2 agent of the department of Children and Family Services who
3 receives and, ~~investigates, and classifies~~ reports of child
4 abuse, abandonment, or neglect ~~as defined in s. 415.503~~; who,
5 as a result of the investigation, may recommend that a
6 dependency petition be filed for the child ~~under the criteria~~
7 ~~of paragraph (11)(a)~~; and who performs other duties necessary
8 to carry out the required actions of the protective
9 investigation function.

10 ~~(59)(46)~~ "Protective supervision" means a legal status
11 in dependency cases, ~~child-in-need-of-services cases, or~~
12 ~~family-in-need-of-services cases~~ which permits the child to
13 remain safely in his or her own home or other placement under
14 the supervision of an agent of the department and which must
15 be reviewed by ~~Department of Juvenile Justice or the~~
16 ~~Department of Children and Family Services, subject to being~~
17 ~~returned to~~ the court during the period of supervision.

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

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

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

30 ~~(c)~~ ~~Is subject to modification based on changing~~
31 ~~circumstances and negotiations among the parties to the plan~~

1 ~~and includes, at a minimum:~~
2 1. ~~All services and activities ordered by the court.~~
3 2. ~~Goals and specific activities to be achieved by all~~
4 ~~parties to the plan.~~
5 3. ~~Anticipated dates for achieving each goal and~~
6 ~~activity.~~
7 4. ~~Signatures of all parties to the plan.~~
8 ~~(d) Is submitted to the court in cases where a~~
9 ~~dispositional order has been entered pursuant to s.~~
10 ~~39.41(2)(a)3.~~
11 (60)~~(48)~~ "Relative" means a grandparent,
12 great-grandparent, sibling, first cousin, aunt, uncle,
13 great-aunt, great-uncle, niece, or nephew, whether related by
14 the whole or half blood, by affinity, or by adoption. The term
15 does not include a stepparent.
16 (61)~~(49)~~ "Reunification services" means social
17 services and other supportive and rehabilitative services
18 provided to the parent of the child, the legal custodian
19 guardian of the child, or the caregiver ~~custodian~~ of the
20 child, whichever is applicable, to the child, and where
21 appropriate to the foster parents of the child, for the
22 purpose of enabling a child who has been placed in out-of-home
23 ~~foster~~ care to safely return to his or her family at the
24 earliest possible time. The health and safety of the child
25 shall be the paramount goal of social services and other
26 supportive and rehabilitative services. Such services shall
27 promote the child's need for physical, mental, and emotional
28 health and a safe, ~~continuous,~~ stable, living environment, and
29 shall promote family autonomy, and shall strengthen family
30 life, ~~as a first priority~~ whenever possible.
31 (62) "Secretary" means the Secretary of Children and

1 Family Services.

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

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

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

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

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

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

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

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

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

31 (g) The sexual exploitation of a child, which includes

1 allowing, encouraging, or forcing a child to:

2 1. Solicit for or engage in prostitution; or

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

5 (64)(50) "Shelter" means a place for the temporary
6 care of a child who is alleged to be or who has been found to
7 be dependent, ~~a child from a family in need of services, or a~~
8 child in need of services, pending court disposition before or
9 after adjudication, ~~or after execution of a court order.~~

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

13 (65)(51) "Shelter hearing" means a hearing in which
14 the court determines whether probable cause exists to keep a
15 child in shelter status pending further investigation of the
16 case provided for under s. 984.14 in
17 ~~family in need of services cases or child in need of services~~
18 ~~cases.~~

19 (66)(52) "Social service agency" means the department
20 ~~of Children and Family Services, a licensed child-caring~~
21 ~~agency, or a licensed child-placing agency.~~

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

30 (67)(54) "Substance abuse" means using, without
31 medical reason, any psychoactive or mood-altering drug,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 including alcohol, in such a manner as to induce impairment
2 resulting in dysfunctional social behavior.

3 (68)(55) "Substantial compliance" means that the
4 circumstances which caused the creation of the case plan
5 ~~placement in foster care~~ have been significantly remedied to
6 the extent that the well-being and safety of the child will
7 not be endangered upon the child's remaining with or being
8 returned to the child's parent, legal custodian, or caregiver
9 ~~or guardian~~.

10 (69)(56) "Taken into custody" means the status of a
11 child immediately when temporary physical control over the
12 child is attained by a person authorized by law, pending the
13 child's release or placement, detention, placement, or other
14 ~~disposition as authorized by law~~.

15 (70)(57) "Temporary legal custody" means the
16 relationship that a juvenile court creates between a child and
17 an adult relative of the child, legal custodian, or caregiver
18 ~~adult nonrelative~~ approved by the court, or other person until
19 a more permanent arrangement is ordered. Temporary legal
20 custody confers upon the custodian the right to have temporary
21 physical custody of the child and the right and duty to
22 protect, train, and discipline the child and to provide the
23 child with food, shelter, and education, and ordinary medical,
24 dental, psychiatric, and psychological care, unless these
25 rights and duties are otherwise enlarged or limited by the
26 court order establishing the temporary legal custody
27 relationship.

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 Section 5. Section 39.455, Florida Statutes, is
2 renumbered as section 39.011, Florida Statutes, and amended to
3 read:

4 39.011 ~~39.455~~ Immunity from liability.--

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

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

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

27 Section 6. Section 39.012, Florida Statutes, is
28 amended to read:

29 39.012 Rules for implementation.--The department ~~of~~
30 ~~Children and Family Services~~ shall adopt rules for the
31 efficient and effective management of all programs, services,

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

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

7 39.0121 Specific rulemaking authority.--Pursuant to
8 the requirements of s. 120.536, the department is specifically
9 authorized to adopt, amend, and repeal administrative rules
10 which implement or interpret law or policy, or describe the
11 procedure and practice requirements necessary to implement
12 this chapter, including, but not limited to, the following:

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

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

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

23 (4) Department and client trust funds.

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

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

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

31 (8) Agreements with law enforcement and other state

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 agencies; access to the National Crime Information Center
2 (NCIC); and access to the parent locator service.

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

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

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

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

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

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

23 Section 8. Section 39.40, Florida Statutes, is
24 renumbered as section 39.013, Florida Statutes, and amended to
25 read:

26 39.013 39.40 Procedures and jurisdiction; right to
27 counsel.--

28 (1) All procedures, including petitions, pleadings,
29 subpoenas, summonses, and hearings, in this chapter ~~dependency~~
30 ~~cases~~ shall be according to the Florida Rules of Juvenile
31 Procedure unless otherwise provided by law. Parents must be

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

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

7 ~~(5)(4)~~ The court shall expedite the judicial handling
8 of all cases when the child has been removed from the family
9 and placed in a shelter, ~~and of all cases involving a child~~
10 ~~under 4 years of age.~~

11 ~~(6)(5)~~ ~~It is the intent of the Legislature that~~
12 Children removed from their homes shall be provided equal
13 treatment with respect to goals, objectives, services, and
14 case plans, without regard to the location of their
15 placement, ~~and that placement shall be in a safe environment~~
16 ~~where drugs and alcohol are not abused. It is the further~~
17 ~~intent of the Legislature that, when children are removed from~~
18 ~~their homes, disruption to their education be minimized to the~~
19 ~~extent possible.~~

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

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 findings in writing with respect to the appointment or waiver
2 of counsel for indigent parties or the waiver of counsel by
3 nonindigent parties.

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

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

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

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

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

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

29 (a) Periods of delay resulting from a continuance
30 granted at the request or with the consent of the child's
31 counsel or the child's guardian ad litem, if one has been

1 appointed by the court, or, if the child is of sufficient
2 capacity to express reasonable consent, at the request or with
3 the consent of the child.

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

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

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

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

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

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

29 Section 9. Section 39.4057, Florida Statutes, is
30 renumbered as section 39.0131, Florida Statutes.

31 Section 10. Section 39.411, Florida Statutes, is

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 renumbered as section 39.0132, Florida Statutes, and
2 subsections (3) and (4) of said section are amended to read:

3 39.0132 ~~39.411~~ Oaths, records, and confidential
4 information.--

5 (3) The clerk shall keep all court records required by
6 this part separate from other records of the circuit court.
7 All court records required by this part shall not be open to
8 inspection by the public. All records shall be inspected only
9 upon order of the court by persons deemed by the court to have
10 a proper interest therein, except that, subject to the
11 provisions of s. 63.162, a child and the parents, or legal
12 custodians, or caregivers of the child and their attorneys,
13 guardian ad litem, law enforcement agencies, and the
14 department and its designees shall always have the right to
15 inspect and copy any official record pertaining to the child.
16 The court may permit authorized representatives of recognized
17 organizations compiling statistics for proper purposes to
18 inspect and make abstracts from official records, under
19 whatever conditions upon their use and disposition the court
20 may deem proper, and may punish by contempt proceedings any
21 violation of those conditions.

22 (4) All information obtained pursuant to this part in
23 the discharge of official duty by any judge, employee of the
24 court, authorized agent of the department, correctional
25 probation officer, or law enforcement agent shall be
26 confidential and exempt from the provisions of s. 119.07(1)
27 and shall not be disclosed to anyone other than the authorized
28 personnel of the court, the department and its designees,
29 correctional probation officers, law enforcement agents,
30 guardian ad litem, and others entitled under this chapter to
31 receive that information, except upon order of the court.

1 Section 11. Section 39.414, Florida Statutes, is
2 renumbered as section 39.0133, Florida Statutes.

3 Section 12. Sections 39.415 and 39.474, Florida
4 Statutes, are renumbered as section 39.0134, Florida Statutes,
5 and amended to read:

6 39.0134 ~~39.415~~ Appointed counsel; compensation.--

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

12 ~~39.474~~ Appointed counsel; compensation.--

13 (2) If counsel is entitled to receive compensation for
14 representation pursuant to court appointment in a termination
15 of parental rights proceeding, such compensation shall not
16 exceed \$1,000 at the trial level and \$2,500 at the appellate
17 level.

18 Section 13. Section 39.418, Florida Statutes, is
19 renumbered as section 39.0135, Florida Statutes, and amended
20 to read:

21 39.0135 ~~39.418~~ Operations and Maintenance Trust
22 Fund.--~~Effective July 1, 1996, The department of Children and~~
23 ~~Family Services~~ shall deposit all child support payments made
24 to the department pursuant to this chapter ~~s. 39.41(2)~~ into
25 the Operations and Maintenance Trust Fund. The purpose of
26 this funding is to care for children who are committed to the
27 temporary legal custody of the department ~~pursuant to s.~~
28 ~~39.41(2)(a)8.~~

29 Section 14. Part II of chapter 39, Florida Statutes,
30 consisting of sections 39.201, 39.202, 39.203, 39.204, 39.205,
31 and 39.206, Florida Statutes, shall be entitled to read:

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PART II

REPORTING CHILD ABUSE

Section 15. Section 415.504, Florida Statutes, is renumbered as section 39.201, Florida Statutes, and amended to read:

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

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

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

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

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

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

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

(f) Law enforcement officer,

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

(2)(a) Each report of known or suspected child abuse, abandonment, or neglect pursuant to this section, except those solely under s. 827.04(3)~~(4)~~, shall be made immediately to the department's central abuse hotline on the single statewide

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

17 (b) Reporters in occupation categories designated in
18 subsection (1) are required to provide their names to the
19 hotline staff. The names of reporters shall be entered into
20 the record of the report, but shall be held confidential as
21 provided in s. 39.202 ~~415.51~~.

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

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

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

29 2. When the alleged juvenile sexual offender is 12
30 years of age or younger, the department shall proceed with an
31 investigation of the report pursuant to this part ~~FF~~,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 immediately electronically transfer the call to the
2 appropriate law enforcement agency office by the central abuse
3 hotline, and send a written report of the allegation to the
4 appropriate county sheriff's office within 48 hours after the
5 initial report is made to the central abuse hotline.

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

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

24 (3) Any person required to report or investigate cases
25 of suspected child abuse, abandonment, or neglect who has
26 reasonable cause to suspect that a child died as a result of
27 child abuse, abandonment, or neglect shall report his or her
28 suspicion to the appropriate medical examiner. The medical
29 examiner shall accept the report for investigation ~~pursuant to~~
30 ~~s. 406.11~~ and shall report his or her findings, in writing, to
31 the local law enforcement agency, the appropriate state

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 attorney, and the department. Autopsy reports maintained by
2 the medical examiner are not subject to the confidentiality
3 requirements provided for in s. 39.202 ~~415.51~~.

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

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

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

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

22 (d)~~4~~. Maintain and produce aggregate statistical
23 reports monitoring patterns of ~~both~~ child abuse, child
24 abandonment, and child neglect. The department shall collect
25 and analyze child-on-child sexual abuse reports and include
26 the information in aggregate statistical reports.

27 (e)~~5~~. Serve as a resource for the evaluation,
28 management, and planning of preventive and remedial services
29 for children who have been subject to abuse, abandonment, or
30 neglect.

31 (f)~~6~~. Initiate and enter into agreements with other

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 states for the purpose of gathering and sharing information
2 contained in reports on child maltreatment to further enhance
3 programs for the protection of children.

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 ~~earlier reports.~~

2 ~~(c) Upon commencing an investigation under this part,~~
3 ~~the child protective investigator shall inform any subject of~~
4 ~~the investigation of the following:~~

5 ~~1. The names of the investigators and identifying~~
6 ~~credentials from the department.~~

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

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

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

20 (5) The department shall be capable of receiving and
21 investigating reports of known or suspected child abuse,
22 abandonment, or neglect 24 hours a day, 7 days a week. If it
23 appears that the immediate safety or well-being of a child is
24 endangered, that the family may flee or the child will be
25 unavailable for purposes of conducting a child protective
26 investigation, or that the facts otherwise so warrant, the
27 department shall commence an investigation immediately,
28 regardless of the time of day or night. In all other child
29 abuse, abandonment, or neglect cases, a child protective
30 investigation shall be commenced within 24 hours after receipt
31 of the report. In an institutional investigation, the alleged

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

14 (6)(e) Information in the central abuse hotline may
15 not be used for employment screening, except as provided in s.
16 39.202(2)(a) and (h). Information in the central abuse hotline
17 and the department's automated abuse information system may be
18 used by the department, its authorized agents or contract
19 providers, the Department of Health, or county agencies as
20 part of the licensure or registration process pursuant to ss.
21 402.301-402.319 and ss. 409.175-409.176. Access to the
22 information shall only be granted as set forth in s. 415.51.

23 (7)(5) This section does not require a professional
24 who is hired by or enters into a contract with the department
25 for the purpose of treating or counseling any person, as a
26 result of a report of child abuse, abandonment, or neglect, to
27 again report to the central abuse hotline the abuse,
28 abandonment, or neglect that was the subject of the referral
29 for treatment.

30 Section 16. Section 415.511, Florida Statutes, is
31 renumbered as section 39.203, Florida Statutes, and amended to

1 read:

2 39.203 ~~415.511~~ Immunity from liability in cases of
3 child abuse, abandonment, or neglect.--

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

11 (b) Except as provided in this chapter ~~s.~~
12 ~~415.503(10)(f)~~, nothing contained in this section shall be
13 deemed to grant immunity, civil or criminal, to any person
14 suspected of having abused, abandoned, or neglected a child,
15 or committed any illegal act upon or against a child.

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

20 (b) Any person making a report under this section
21 shall have a civil cause of action for appropriate
22 compensatory and punitive damages against any person who
23 causes detrimental changes in the employment status of such
24 reporting party by reason of his or her making such report.
25 Any detrimental change made in the residency or employment
26 status of such person, including, but not limited to,
27 discharge, termination, demotion, transfer, or reduction in
28 pay or benefits or work privileges, or negative evaluations
29 within a prescribed period of time shall establish a
30 rebuttable presumption that such action was retaliatory.

31 Section 17. Section 415.512, Florida Statutes, is

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 renumbered as section 39.204, Florida Statutes, and amended to
2 read:

3 39.204 ~~415.512~~ Abrogation of privileged communications
4 in cases involving child abuse, abandonment, or neglect.--The
5 privileged quality of communication between husband and wife
6 and between any professional person and his or her patient or
7 client, and any other privileged communication except that
8 between attorney and client or the privilege provided in s.
9 90.505, as such communication relates both to the competency
10 of the witness and to the exclusion of confidential
11 communications, shall not apply to any communication involving
12 the perpetrator or alleged perpetrator in any situation
13 involving known or suspected child abuse, abandonment, or
14 neglect and shall not constitute grounds for failure to report
15 as required by s. 39.201 ~~415.504~~ regardless of the source of
16 the information requiring the report, failure to cooperate
17 with the department in its activities pursuant to this chapter
18 ~~ss. 415.502-415.514~~, or failure to give evidence in any
19 judicial proceeding relating to child abuse, abandonment, or
20 neglect.

21 Section 18. Section 415.513, Florida Statutes, is
22 renumbered as section 39.205, Florida Statutes, and amended to
23 read:

24 39.205 ~~415.513~~ Penalties relating to ~~abuse~~ reporting
25 of child abuse, abandonment, or neglect--

26 (1) A person who is required by ~~s. 415.504~~ to report
27 known or suspected child abuse, abandonment, or neglect and
28 who knowingly and willfully fails to do so, or who knowingly
29 and willfully prevents another person from doing so, is guilty
30 of a misdemeanor of the second degree, punishable as provided
31 in s. 775.082 or s. 775.083.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

8 (3) The department shall establish procedures for
 9 determining whether a false report of child abuse,
 10 abandonment, or neglect has been made and for submitting all
 11 identifying information relating to such a report to the
 12 appropriate law enforcement agency and the state attorney for
 13 prosecution.

14 (4) A person who knowingly and willfully makes a false
 15 report of child abuse, abandonment, or neglect, or who advises
 16 another to make a false report, is guilty of a misdemeanor of
 17 the second degree, punishable as provided in s. 775.082 or s.
 18 775.083. Anyone making a report who is acting in good faith is
 19 immune from any liability under this subsection.

20 (5) Each state attorney shall establish procedures to
 21 facilitate the prosecution of persons under this section.

22 Section 19. Section 415.5131, Florida Statutes, is
 23 renumbered as section 39.206, Florida Statutes, and amended to
 24 read:

25 39.206 ~~415.5131~~ Administrative fines for false report
 26 of abuse, abandonment, or neglect of a child.--

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

1 a person who counsels another to make a false report.

2 (2) If the department alleges that a person has filed
3 a false report with the central abuse hotline registry and
4 ~~tracking system~~, the department must file a Notice of Intent
5 which alleges the name, age, and address of the individual,
6 the facts constituting the allegation that the individual made
7 a false report, and the administrative fine the department
8 proposes to impose on the person. Each time that a false
9 report is made constitutes a separate violation.

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

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

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

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

1 (a) The gravity of the violation, including the
2 probability that serious physical or emotional harm to any
3 person will result or has resulted, the severity of the actual
4 or potential harm, and the nature of the false allegation.

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

8 (c) Any previous false reports filed by the same
9 individual.

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

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

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

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

1 Section 20. Part III of chapter 39, Florida Statutes,
2 consisting of sections 39.301, 39.302, 39.303, 39.3035,
3 39.304, 39.305, 39.306, and 39.307, Florida Statutes, shall be
4 entitled to read:

5 PART III

6 PROTECTIVE INVESTIGATIONS

7 Section 21. Section 39.301, Florida Statutes, is
8 created to read:

9 39.301 Initiation of protective investigations.--

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

28 (2)(a) Upon commencing an investigation under this
29 part, the child protective investigator shall inform any
30 subject of the investigation of the following:

- 31 1. The names of the investigators and identifying

1 credentials from the department.
2 2. The purpose of the investigation.
3 3. The right to obtain his or her own attorney and
4 ways that the information provided by the subject may be used.
5 4. The possible outcomes and services of the
6 department's response shall be explained to the caregiver.
7 5. The right of the parent, legal custodian, or
8 caregiver to be involved to the fullest extent possible in
9 determining the nature of the allegation and the nature of any
10 identified problem.
11 (b) The department's training program shall ensure
12 that protective investigators know how to fully inform
13 parents, guardians, and caregivers of their rights and
14 options, including opportunities for audio or video recording
15 of investigators' interviews with parents, guardians,
16 caretakers, or children.
17 (3) An assessment of risk and the perceived needs for
18 the child and family shall be conducted in a manner that is
19 sensitive to the social, economic, and cultural environment of
20 the family.
21 (4) Protective investigations shall be performed by
22 the department or its agent.
23 (5) The person responsible for the investigation shall
24 make a preliminary determination as to whether the report or
25 complaint is complete, consulting with the attorney for the
26 department when necessary. In any case in which the person
27 responsible for the investigation finds that the report or
28 complaint is incomplete, he or she shall return it without
29 delay to the person or agency originating the report or
30 complaint or having knowledge of the facts, or to the
31 appropriate law enforcement agency having investigative

1 jurisdiction, and request additional information in order to
2 complete the report or complaint; however, the confidentiality
3 of any report filed in accordance with this chapter shall not
4 be violated.

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

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

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

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

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

28 (b) Determine whether there is indication that any
29 child in the family or household has been abused, abandoned,
30 or neglected; the nature and extent of present or prior
31 injuries, abuse, or neglect, and any evidence thereof; and a

1 determination as to the person or persons apparently
2 responsible for the abuse, abandonment, or neglect, including
3 the name, address, date of birth, social security number, sex,
4 and race of each such person.

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

19 (d) Determine the immediate and long-term risk to each
20 child through utilization of standardized risk assessment
21 instruments.

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

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

31 (7) If the department or its agent is denied

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

13 (a) Medical or other health care;

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

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

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

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

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

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

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

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

19 (b) The family is likely to flee;

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

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

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

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

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

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

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

31 (13) Within 15 days after the completion of the

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

6 Section 22. Section 39.302, Florida Statutes, is
7 created to read:

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

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

31 (b) Upon completion of the department's child

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 protective investigation, the department may make application
2 to the circuit court for continued restrictive action against
3 any person necessary to safeguard the physical health, mental
4 health, and welfare of the children in care.

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

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

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

31 (6) In cases of institutional child abuse,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

17 Section 23. Section 415.5055, Florida Statutes, is
18 renumbered as section 39.303, Florida Statutes, and amended to
19 read:

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

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

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

31 (c) Medical evaluation related to abuse, abandonment,

1 or neglect, as defined by department policy or rule.

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

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

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

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

30 (h) Case service coordination and assistance,
31 including the location of services available from other public

1 and private agencies in the community.

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

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

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

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

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

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

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

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

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

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 suspected abuse, abandonment, or neglect, when any sibling or
2 other child remains in the home.

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

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

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

17 Section 24. Section 39.3035, Florida Statutes, is
18 created to read:

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

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

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

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

29 (c) Have a neutral, child-focused facility where joint
30 department and law enforcement interviews take place with
31 children in appropriate cases of suspected child sexual abuse

1 or physical abuse. All multidisciplinary agencies shall have
2 a place to interact with the child as investigative or
3 treatment needs require.

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

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

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

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

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

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

30 (2) Provide assurance that child advocacy center
31 employees and volunteers at the center are trained and

1 screened in accordance with s. 39.001(2).

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

7 Section 25. Section 415.507, Florida Statutes, is
8 renumbered as section 39.304, Florida Statutes, and amended to
9 read:

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

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 the consent of the child's parent, caregiver ~~legal guardian~~,
2 or legal custodian.

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

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

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

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

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

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

30 (3) Any facility licensed under chapter 395 shall
31 provide to the department, its agent, or a child protection

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

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

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

30 Section 26. Section 415.5095, Florida Statutes, is
31 renumbered as section 39.305, Florida Statutes, and amended to

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 read:

2 39.305 ~~415.5095~~ Intervention and treatment in sexual
3 abuse cases; model plan.--4 ~~(1) The impact of sexual abuse on the child and family~~
5 ~~has caused the Legislature to determine that special~~
6 ~~intervention and treatment must be offered in certain cases so~~
7 ~~that the child can be protected from further abuse, the family~~
8 ~~can be kept together, and the abuser can benefit from~~
9 ~~treatment. To further this end, it is the intent of the~~
10 ~~Legislature that special funding shall be available in those~~
11 ~~communities where agencies and professionals are able to work~~
12 ~~cooperatively to effectuate intervention and treatment in~~
13 ~~intrafamily sexual abuse cases.~~14 ~~(2) The department of Children and Family Services~~
15 ~~shall develop a model plan for community intervention and~~
16 ~~treatment of intrafamily sexual abuse in conjunction with the~~
17 ~~Department of Law Enforcement, the Department of Health, the~~
18 ~~Department of Education, the Attorney General, the state~~
19 ~~Guardian Ad Litem Program, the Department of Corrections,~~
20 ~~representatives of the judiciary, and professionals and~~
21 ~~advocates from the mental health and child welfare community.~~22 Section 27. Section 39.306, Florida Statutes, is
23 created to read:24 39.306 Child protective investigations; working
25 agreements with local law enforcement.--The department shall
26 enter into agreements with the jurisdictionally responsible
27 county sheriffs' offices and local police departments that
28 will assume the lead in conducting any potential criminal
29 investigations arising from allegations of child abuse,
30 abandonment, or neglect. The written agreement must specify
31 how the requirements of this chapter will be met. For the

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

22 Section 28. Section 415.50171, Florida Statutes, is
23 renumbered as section 39.307, Florida Statutes, and subsection
24 (1), paragraph (a) of subsection (2), and subsection (6) of
25 said section are amended to read:

26 39.307 ~~415.50171~~ ~~Family services response system~~
27 ~~Reports of child-on-child sexual abuse.--~~

28 (1) ~~Subject to specific appropriation,~~ Upon receiving
29 a report alleging juvenile sexual abuse as defined in s.
30 39.01(7)(b), the department shall assist the family in
31 receiving appropriate services ~~415.50165(7), district staff~~

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 ~~shall, unless caregiver abuse or neglect is involved, use a~~
2 ~~family services response system approach~~ to address the
3 allegations of the report.

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

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

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

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

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

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

23 Section 29. Part IV of chapter 39, Florida Statutes,
24 consisting of sections 39.311, 39.312, 39.313, 39.314, 39.315,
25 39.316, 39.317, and 39.318, Florida Statutes, shall be
26 entitled to read:

27 PART IV

28 FAMILY BUILDERS PROGRAM

29 Section 30. Section 415.515, Florida Statutes, is
30 renumbered as section 39.311, Florida Statutes, and amended to
31 read:

1 39.311 ~~415.515~~ Establishment of Family Builders
2 Program.--

3 (1) Any Family Builders Program that is established by
4 the department of ~~Children and Family Services~~ or the
5 ~~Department of Juvenile Justice~~ shall provide family
6 preservation services to families whose children are at risk
7 of imminent out-of-home placement because they are dependent
8 ~~or delinquent or are children in need of services~~, to reunite
9 families whose children have been removed and placed in foster
10 care, and to maintain adoptive families intact who are at risk
11 of fragmentation. The Family Builders Program shall provide
12 programs to achieve long-term changes within families that
13 will allow children to remain with their families as an
14 alternative to the more expensive and potentially
15 psychologically damaging program of out-of-home placement.

16 (2) The department of ~~Children and Family Services~~ and
17 ~~the Department of Juvenile Justice~~ may adopt rules to
18 implement the Family Builders Program.

19 Section 31. Section 415.516, Florida Statutes, is
20 renumbered as section 39.312, Florida Statutes, and amended to
21 read:

22 39.312 ~~415.516~~ Goals.--The goals of any Family
23 Builders Program shall be to:

24 (1) Ensure child health and safety while working with
25 the family.

26 (2)~~(1)~~ Help parents to improve their relationships
27 with their children and to provide better care, nutrition,
28 hygiene, discipline, protection, instruction, and supervision.

29 (3)~~(2)~~ Help parents to provide a better household
30 environment for their children by improving household
31 maintenance, budgeting, and purchasing.

1 (4)~~(3)~~ Provide part-time child care when parents are
2 unable to do so or need temporary relief.

3 (5)~~(4)~~ Perform household maintenance, budgeting, and
4 purchasing when parents are unable to do so on their own or
5 need temporary relief.

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

8 (7)~~(6)~~ Assist parents to meet the special physical,
9 mental, or emotional needs of their children and help parents
10 to deal with their own special physical, mental, or emotional
11 needs that interfere with their ability to care for their
12 children and to manage their households.

13 (8)~~(7)~~ Help families to discover and gain access to
14 community resources to which the family or children might be
15 entitled and which would assist the family in meeting its
16 needs and the needs of the children, including the needs for
17 food, clothing, housing, utilities, transportation,
18 appropriate educational opportunities, employment, respite
19 care, and recreational and social activities.

20 (9)~~(8)~~ Help families by providing cash or in-kind
21 assistance to meet their needs for food, clothing, housing, or
22 transportation when such needs prevent or threaten to prevent
23 parents from caring for their children, and when such needs
24 are not met by other sources in the community in a timely
25 fashion.

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

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 Section 32. Section 415.517, Florida Statutes, is
2 renumbered as section 39.313, Florida Statutes, and amended to
3 read:

4 39.313 ~~415.517~~ Contracting of services.--The
5 department may contract for the delivery of Family Builders
6 Program services by professionally qualified persons or local
7 governments when it determines that it is in the family's best
8 interest. The service provider or program operator must
9 submit to the department monthly activity reports covering any
10 services rendered. These activity reports must include
11 project evaluation in relation to individual families being
12 served, as well as statistical data concerning families
13 referred for services who are not served due to the
14 unavailability of resources. The costs of program evaluation
15 are an allowable cost consideration in any service contract
16 negotiated in accordance with this section ~~subsection~~.

17 Section 33. Section 415.518, Florida Statutes, is
18 renumbered as section 39.314, Florida Statutes, and amended to
19 read:

20 39.314 ~~415.518~~ Eligibility for Family Builders Program
21 services.--Family Builders Program services must be made
22 available to a family at risk on a voluntary basis, provided
23 the family meets the eligibility requirements as established
24 by rule and there is space available in the program. All
25 members of the families who accept such services are
26 responsible for cooperating fully with the family preservation
27 plan developed for each family under s. 39.315 ~~this section~~.
28 Families in which children are at imminent risk of sexual
29 abuse or physical endangerment perpetrated by a member of
30 their immediate household are not eligible to receive family
31 preservation services unless the perpetrator is in, or has

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 agreed to enter, a program for treatment and the safety of the
2 children may be enhanced through participation in the Family
3 Builders Program.

4 Section 34. Section 415.519, Florida Statutes, is
5 renumbered as section 39.315, Florida Statutes.

6 Section 35. Section 415.520, Florida Statutes, is
7 renumbered as section 39.316, Florida Statutes, and subsection
8 (3) of said section is amended to read:

9 39.316 ~~415.520~~ Qualifications of Family Builders
10 Program workers.--

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

21 Section 36. Section 415.521, Florida Statutes, is
22 renumbered as section 39.317, Florida Statutes.

23 Section 37. Section 415.522, Florida Statutes, is
24 renumbered as section 39.318, Florida Statutes, and amended to
25 read:

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

1 Section 38. Part V of chapter 39, Florida Statutes,
2 consisting of sections 39.395, 39.401, 39.402, 39.407, and
3 39.4075, Florida Statutes, shall be entitled to read:

4 PART V

5 TAKING CHILDREN INTO CUSTODY

6 AND SHELTER HEARINGS

7 Section 39. Section 39.395, Florida Statutes, is
8 created to read:

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

1 to avoid the placement of a child in an institution whenever
2 possible.

3 Section 40. Section 39.401, Florida Statutes, as
4 amended by chapter 97-276, Laws of Florida, is amended to
5 read:

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

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

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

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

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

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

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

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

1 (a) Release the child to:

2 1. The parent, caregiver, or guardian, legal custodian

3 of the child;

4 2. A responsible adult approved by the court when

5 limited to temporary emergency situations;

6 3. A responsible adult relative who shall be given

7 priority consideration over a nonrelative placement when this

8 is in the best interests of the child;~~or~~

9 4. A responsible adult approved by the department;

10 ~~within 3 days following such release, the person taking the~~

11 ~~child into custody shall make a full written report to the~~

12 ~~department for cases involving allegations of abandonment,~~

13 ~~abuse, or neglect or other dependency cases; or~~

14 (b) Deliver the child to an authorized agent of the

15 department, stating the facts by reason of which the child was

16 taken into custody and sufficient information to establish

17 probable cause that the child is abandoned, abused, or

18 neglected, or otherwise dependent ~~and make a full written~~

19 ~~report to the department within 3 days.~~

20

21 For cases involving allegations of abandonment, abuse, or

22 neglect, or other dependency cases, within 3 days after such

23 release or within 3 days after delivering the child to an

24 authorized agent of the department, the law enforcement

25 officer who took the child into custody shall make a full

26 written report to the department.

27 (3) If the child is taken into custody by, or is

28 delivered to, an authorized agent of the department, the

29 authorized agent shall review the facts supporting the removal

30 with an attorney representing the department ~~legal staff prior~~

31 ~~to the emergency shelter hearing.~~ The purpose of this review

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

1 child, so far as are known.

2 Section 41. Section 39.402, Florida Statutes, as
3 amended by chapter 97-276, Laws of Florida, is amended to
4 read:

5 39.402 Placement in a shelter.--

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

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

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

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

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

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

1 obtain their own attorney.

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

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

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

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

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

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

1 39.013.

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

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

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

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

30 (b) The parents or legal custodians of the child shall
31 be given such notice as best ensures their actual knowledge of

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 the time and place of the shelter hearing ~~and shall be given~~
2 ~~an opportunity to be heard and to present evidence at the~~
3 ~~emergency shelter hearing.~~ The failure to provide notice to a
4 party or participant does not invalidate an order placing a
5 child in a shelter if the court finds that the petitioner has
6 made a good faith effort to provide such notice.The court
7 shall require the parents or legal custodians present at the
8 hearing to provide to the court on the record the names,
9 addresses, and relationships of all parents, prospective
10 parents, and next of kin of the child, so far as are known.

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

12 1. Appoint a guardian ad litem to represent the child,
13 unless the court finds that such representation is
14 unnecessary;

15 2. Inform the parents or legal custodians of their
16 right to counsel to represent them at the shelter hearing and
17 at each subsequent hearing or proceeding, and the right of the
18 parents to appointed counsel, pursuant to the procedures set
19 forth in s. 39.013; and

20 3. Give the parents or legal custodians an opportunity
21 to be heard and to present evidence.

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

26 (e) At the shelter hearing, each party shall provide
27 to the court a permanent mailing address. The court shall
28 advise each party that this address will be used by the court
29 and the petitioner for notice purposes unless and until the
30 party notifies the court and the petitioner in writing of a
31 new mailing address.

1 ~~(f)(b)~~ The order for placement of a child in shelter
2 care must identify the parties present at the hearing and must
3 contain written findings:

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

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

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

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

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

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

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

30 c. The child cannot safely remain at home, either
31 because there are no preventive services that can ensure the

1 health and safety of the child or because, even with
2 appropriate and available services being provided, the health
3 and safety of the child cannot be ensured.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 1. Because of an unavailability of evidence material
30 to the case when the attorney for the department has exercised
31 due diligence to obtain such evidence and there are

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

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

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

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

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

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

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

31 ~~(b) Prior to the court's granting any delay as~~

1 ~~specified in subsection (10).~~

2 Section 42. Section 39.407, Florida Statutes, is
3 amended to read:

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

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

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

28 (a)1. Consent to medical treatment shall be obtained
29 from a parent or legal custodian ~~guardian~~ of the child; or
30 2. A court order for such treatment shall be obtained.

31 (b) If a parent or legal custodian ~~guardian~~ of the

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

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

20

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

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

1 and procedure established in s. 394.463(2) or chapter 393
2 shall be used, whichever is applicable. The educational needs
3 assessment provided by the district school board educational
4 needs assessment team shall include, but not be limited to,
5 reports of intelligence and achievement tests, screening for
6 learning disabilities and other handicaps, and screening for
7 the need for alternative education as defined in s. 230.23
8 ~~230.2315(2)~~.

9 (4) A judge may order a child in the physical custody
10 of the department to be treated by a licensed health care
11 professional based on evidence that the child should receive
12 treatment. The judge may also order such child to receive
13 mental health or retardation services from a psychiatrist,
14 psychologist, or other appropriate service provider. If it is
15 necessary to place the child in a residential facility for
16 such services, then the procedures and criteria established in
17 s. 394.467 or chapter 393 shall be used, whichever is
18 applicable. A child may be provided mental health or
19 retardation services in emergency situations, pursuant to the
20 procedures and criteria contained in s. 394.463(1) or chapter
21 393, whichever is applicable.

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

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

31 (7) Except as otherwise provided herein, nothing in

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 this section shall be deemed to alter the provisions of s.
2 743.064.

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

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

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

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

29 (12) Nothing in this section alters the authority of
30 the department to consent to medical treatment for a dependent
31 child when the child has been committed to the department

1 ~~pursuant to s. 39.41,~~ and the department has become the legal
2 custodian of the child.

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

12 Section 43. Section 39.4033, Florida Statutes, is
13 renumbered as section 39.4075, Florida Statutes, and amended
14 to read:

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

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

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

25 (3) The department shall advise the parties ~~parents or~~
26 ~~legal guardians~~ that they are responsible for contributing to
27 the cost of the dependency ~~family~~ mediation to the extent of
28 their ability to pay.

29 (4) This section applies only to courts in counties in
30 which dependency mediation programs have been established and
31 does not require the establishment of such programs in any

1 county.

2 Section 44. Part VI of chapter 39, Florida Statutes,
3 consisting of sections 39.501, 39.502, 39.503, 39.504, 39.505,
4 39.506, 39.507, 39.508, 39.5085, 39.509, and 39.510, Florida
5 Statutes, shall be entitled to read:

6 PART VI

7 PETITION, ARRAIGNMENT, ADJUDICATION,

8 AND DISPOSITION

9 Section 45. Section 39.404, Florida Statutes, is
10 renumbered as section 39.501, Florida Statutes, and amended to
11 read:

12 39.501 ~~39.404~~ Petition for dependency.--

13 (1) All proceedings seeking an adjudication that a
14 child is dependent shall be initiated by the filing of a
15 petition by an attorney for the department, or any other
16 person who has knowledge of the facts alleged or is informed
17 of them and believes that they are true.

18 (2) The purpose of a petition seeking the adjudication
19 of a child as a dependent child is the protection of the child
20 and not the punishment of the person creating the condition of
21 dependency.

22 (3)(a) The petition shall be in writing, shall
23 identify and list all parents, if known, and all current
24 caregivers or legal custodians of the child, and shall be
25 signed by the petitioner under oath stating the petitioner's
26 good faith in filing the petition. When the petition is filed
27 by the department, it shall be signed by an attorney for the
28 department.

29 (b) The form of the petition and its contents shall be
30 determined by rules of juvenile procedure adopted by the
31 Supreme Court.

1 (c) The petition must specifically set forth the acts
2 or omissions upon which the petition is based and the identity
3 of the person or persons alleged to have committed the acts or
4 omissions, if known. The petition need not contain allegations
5 of acts or omissions by both parents.

6 (d) The petitioner must state in the petition, if
7 known, whether:

8 1. A parent, legal custodian, or caregiver person
9 ~~responsible for the child's welfare~~ named in the petition has
10 previously unsuccessfully participated in voluntary services
11 offered by the department;

12 2. A parent or legal custodian, ~~or person responsible~~
13 ~~for the child's welfare~~ named in the petition has participated
14 in mediation and whether a mediation agreement exists;

15 3. A parent or legal custodian, ~~or person responsible~~
16 ~~for the child's welfare~~ has rejected the voluntary services
17 offered by the department; or

18 4. The department has determined that voluntary
19 services are not appropriate for this family and the reasons
20 for such determination.

21 (4) When a child has been placed in shelter status by
22 order of the court ~~the child has been taken into custody~~, a
23 petition alleging dependency must be filed within 7 days upon
24 demand of a party, but no later than 21 days after the shelter
25 hearing after the date the child is taken into custody. In all
26 other cases, the petition must be filed within a reasonable
27 time after the date the child was referred to protective
28 investigation ~~under s. 39.403~~. The child's parent, guardian,
29 or custodian must be served with a copy of the petition at
30 least 72 hours before the arraignment hearing.

31 (5) A petition for termination of parental rights

1 ~~under s. 39.464~~ may be filed at any time.

2 Section 46. Section 39.405, Florida Statutes, as
3 amended by chapter 97-276, Laws of Florida, is renumbered as
4 section 39.502, Florida Statutes, and amended to read:

5 39.502 ~~39.405~~ Notice, process, and service.--

6 (1) Unless parental rights have been terminated, all
7 parents and legal custodians must be notified of all
8 proceedings or hearings involving the child. Notice in cases
9 involving shelter hearings and hearings resulting from medical
10 emergencies must be that most likely to result in actual
11 notice to the parents and legal custodians. In all other
12 dependency proceedings, notice must be provided in accordance
13 with subsections (4) through (9).

14 (2) Personal appearance of any person in a hearing
15 before the court obviates the necessity of serving process on
16 that person.

17 (3) Upon the filing of a petition containing
18 allegations of facts which, if true, would establish that the
19 child is a dependent child, and upon the request of the
20 petitioner, the clerk or deputy clerk shall issue a summons.

21 (4) The summons shall require the person on whom it is
22 served to appear for a hearing at a time and place specified,
23 not less than 24 hours after service of the summons. A copy
24 of the petition shall be attached to the summons.

25 (5) The summons shall be directed to, and shall be
26 served upon, all parties other than the petitioner.

27 (6) It is the duty of the petitioner or moving party
28 to notify all participants and parties known to the petitioner
29 or moving party of all hearings subsequent to the initial
30 hearing unless notice is contained in prior court orders and
31 these orders were provided to the participant or party. Proof

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 of notice or provision of orders may be provided by certified
2 mail with a signed return receipt.

3 (7) Service of the summons and service of pleadings,
4 papers, and notices subsequent to the summons on persons
5 outside this state must be made pursuant to s. 61.1312.

6 (8) It is not necessary to the validity of a
7 proceeding covered by this part that the parents, caregivers,
8 or legal custodians be present if their identity or residence
9 is unknown after a diligent search has been made, but in this
10 event the petitioner shall file an affidavit of diligent
11 search prepared by the person who made the search and inquiry,
12 and the court may appoint a guardian ad litem for the child.

13 (9) When an affidavit of diligent search has been
14 filed under subsection (8), the petitioner shall continue to
15 search for and attempt to serve the person sought until
16 excused from further search by the court. The petitioner shall
17 report on the results of the search at each court hearing
18 until the person is identified or located or further search is
19 excused by the court.

20 ~~(10)~~(9) Service by publication shall not be required
21 for dependency hearings and the failure to serve a party or
22 give notice to a participant shall not affect the validity of
23 an order of adjudication or disposition if the court finds
24 that the petitioner has completed a diligent search for that
25 party or participant.

26 ~~(11)~~(10) Upon the application of a party or the
27 petitioner, the clerk or deputy clerk shall issue, and the
28 court on its own motion may issue, subpoenas requiring
29 attendance and testimony of witnesses and production of
30 records, documents, and other tangible objects at any hearing.

31 ~~(12)~~(11) All process and orders issued by the court

1 shall be served or executed as other process and orders of the
2 circuit court and, in addition, may be served or executed by
3 authorized agents of the department or the guardian ad litem.

4 (13)~~(12)~~ Subpoenas may be served within the state by
5 any person over 18 years of age who is not a party to the
6 proceeding and, in addition, may be served by authorized
7 agents of the department.

8 (14)~~(13)~~ No fee shall be paid for service of any
9 process or other papers by an agent of the department or the
10 guardian ad litem. If any process, orders, or any other papers
11 are served or executed by any sheriff, the sheriff's fees
12 shall be paid by the county.

13 ~~(14) Failure of a person served with notice to respond~~
14 ~~or appear at the arraignment hearing constitutes the person's~~
15 ~~consent to a dependency adjudication. The document containing~~
16 ~~the notice to respond or appear must contain, in type at least~~
17 ~~as large as the balance of the document, the following or~~
18 ~~substantially similar language: "FAILURE TO RESPOND TO THIS~~
19 ~~NOTICE OR TO APPEAR AT THIS HEARING CONSTITUTES CONSENT TO THE~~
20 ~~ADJUDICATION OF THIS CHILD (OR THESE CHILDREN) AS DEPENDENT~~
21 ~~CHILDREN AND MAY ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS~~
22 ~~CHILD."~~

23 (15) A party who is identified as a person with mental
24 illness or with a developmental disability ~~developmentally~~
25 ~~disabled person~~ must be informed by the court of the
26 availability of advocacy services through the department, the
27 Association for Retarded Citizens, or other appropriate mental
28 health or developmental disability advocacy groups and
29 encouraged to seek such services.

30 (16) If the party to whom an order is directed is
31 present or represented at the final hearing, service of the

1 order is not required.

2 (17) The parent or legal custodian of the child, the
3 attorney for the department, the guardian ad litem, and all
4 other parties and participants shall be given reasonable
5 notice of all hearings provided for under this part.

6 (18) In all proceedings under this chapter, the court
7 shall provide to the parent or legal custodian of the child,
8 at the conclusion of any hearing, a written notice containing
9 the date of the next scheduled hearing. The court shall also
10 include the date of the next hearing in any order issued by
11 the court.

12 Section 47. Section 39.4051, Florida Statutes, as
13 amended by chapter 97-276, Laws of Florida, is renumbered as
14 section 39.503, Florida Statutes, and amended to read:

15 39.503 ~~39.4051~~ Identity or location of parent or legal
16 custodian unknown; special procedures.--

17 (1) If the identity or location of a parent or legal
18 custodian is unknown and a petition for dependency or shelter
19 is filed, the court shall conduct the following inquiry of the
20 parent or legal custodian who is available, or, if no parent
21 or legal custodian is available, of any relative or custodian
22 of the child who is present at the hearing and likely to have
23 the information:

24 (a) Whether the mother of the child was married at the
25 probable time of conception of the child or at the time of
26 birth of the child.

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

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

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

4 (e) Whether any man has acknowledged or claimed
5 paternity of the child in a jurisdiction in which the mother
6 resided at the time of or since conception of the child, or in
7 which the child has resided or resides.

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

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

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

17 (5) If the inquiry under subsection (1) identifies a
18 parent or prospective parent, and that person's location is
19 unknown, the court shall direct the department to ~~shall~~
20 conduct a diligent search for that person before ~~the~~
21 scheduling ~~of~~ a disposition hearing regarding the dependency
22 of the child unless the court finds that the best interest of
23 the child requires proceeding without notice to the person
24 whose location is unknown.

25 (6) The diligent search required by subsection (5)
26 must include, at a minimum, inquiries of all relatives of the
27 parent or prospective parent made known to the petitioner,
28 inquiries of all offices of program areas of the department
29 likely to have information about the parent or prospective
30 parent, inquiries of other state and federal agencies likely
31 to have information about the parent or prospective parent,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 inquiries of appropriate utility and postal providers, and
2 inquiries of appropriate law enforcement agencies. Pursuant to
3 s. 453 of the Social Security Act, 42 U.S.C. 653(c)(B)(4), the
4 department, as the state agency administering Titles IV-B and
5 IV-E of the act, shall be provided access to the federal and
6 state parent locator service for diligent search activities.

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

11 (8) If the inquiry and diligent search identifies a
12 prospective parent, that person must be given the opportunity
13 to become a party to the proceedings by completing a sworn
14 affidavit of parenthood and filing it with the court or the
15 department. A prospective parent who files a sworn affidavit
16 of parenthood while the child is a dependent child but no
17 later than at the time of or prior to the adjudicatory hearing
18 in any termination of parental rights proceeding for the child
19 shall be considered a parent for all purposes under this
20 section unless the other parent contests the determination of
21 parenthood. If the known parent contests the recognition of
22 the prospective parent as a parent, the prospective parent
23 shall not be recognized as a parent until proceedings under
24 chapter 742 have been concluded. However, the prospective
25 parent shall continue to receive notice of hearings as a
26 participant pending results of the chapter 742 proceedings.

27 Section 48. Section 39.4055, Florida Statutes, is
28 renumbered as section 39.504, Florida Statutes, and
29 subsections (2) and (4) of said section are amended to read:

30 39.504 ~~39.4055~~ Injunction pending disposition of
31 petition for detention or dependency; penalty.--

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 (2)(a) Notice shall be provided to the parties as set
2 forth in the Florida Rules of Juvenile Procedure, unless the
3 child is reported to be in imminent danger, in which case the
4 court may issue an injunction immediately. A judge may issue
5 an emergency injunction pursuant to this section without
6 notice at times when the court is closed for the transaction
7 of judicial business. When such an immediate injunction is
8 issued, the court shall hold a hearing on the next day of
9 judicial business either to dissolve the injunction or to
10 continue or modify it in accordance with the other provisions
11 of this section.

12 ~~(b) A judge may issue an emergency injunction pursuant~~
13 ~~to this section at times when the court is closed for the~~
14 ~~transaction of judicial business. The court shall hold a~~
15 ~~hearing on the next day of judicial business either to~~
16 ~~dissolve the emergency injunction or to continue or modify it~~
17 ~~in accordance with the other provisions of this section.~~

18 (4) A copy of any injunction issued pursuant to this
19 section shall be delivered to the protected party, or a parent
20 or caregiver or ~~an~~ individual acting in the place of a parent
21 who is not the respondent, and to any law enforcement agency
22 having jurisdiction to enforce such injunction. Upon delivery
23 of the injunction to the appropriate law enforcement agency,
24 the agency shall have the duty and responsibility to enforce
25 the injunction.

26 Section 49. Section 39.406, Florida Statutes, is
27 renumbered as section 39.505, Florida Statutes, and amended to
28 read:

29 39.505 ~~39.406~~ No answer required.--No answer to the
30 petition or any other pleading need be filed by any child,
31 parent, or legal custodian, but any matters which might be set

1 forth in an answer or other pleading may be pleaded orally
 2 before the court or filed in writing as any such person may
 3 choose. Notwithstanding the filing of an answer or any
 4 pleading, the respondent ~~child or parent~~ shall, prior to an
 5 adjudicatory hearing, be advised by the court of the right to
 6 counsel and shall be given an opportunity to deny the
 7 allegations in the petition for dependency or to enter a plea
 8 to allegations in the petition before the court.

9 Section 50. Subsection (1) of section 39.408, Florida
 10 Statutes, is renumbered as section 39.506, Florida Statutes,
 11 and amended to read:

12 39.506 ~~39.408~~ Arrest ~~Arrestment~~ hearings for dependency
 13 cases.--

14 (1) ~~ARRAIGNMENT HEARING.--~~

15 (a) When a child has been detained by order of the
 16 court, an arraignment hearing must be held, within 7 days
 17 after the date of filing of the dependency petition ~~14 days~~
 18 ~~from the date the child is taken into custody~~, for the parent,
 19 guardian, or legal custodian to admit, deny, or consent to
 20 findings of dependency alleged in the petition. If the parent,
 21 guardian, or legal custodian admits or consents to the
 22 findings in the petition, the court shall proceed as set forth
 23 in the Florida Rules of Juvenile Procedure. However, if the
 24 parent, guardian, or legal custodian denies any of the
 25 allegations of the petition, the court shall hold an
 26 adjudicatory hearing within 30 days after ~~7 days from~~ the date
 27 of the arraignment hearing unless a continuance is granted
 28 pursuant to this chapter ~~s. 39.402(11)~~.

29 (2) ~~(b)~~ When a child is in the custody of the parent,
 30 guardian, or legal custodian, upon the filing of a petition
 31 the clerk shall set a date for an arraignment hearing within a

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 reasonable time after the date of the filing. If the parent,
2 ~~guardian~~, or legal custodian admits or consents to an
3 adjudication, the court shall proceed as set forth in the
4 Florida Rules of Juvenile Procedure. However, if the parent,
5 ~~guardian~~, or legal custodian denies any of the allegations of
6 dependency, the court shall hold an adjudicatory hearing
7 within a reasonable time after the date of the arraignment
8 hearing.

9 (3) Failure of a person served with notice to respond
10 or appear at the arraignment hearing constitutes the person's
11 consent to a dependency adjudication. The document containing
12 the notice to respond or appear must contain, in type at least
13 as large as the balance of the document, the following or
14 substantially similar language: "FAILURE TO RESPOND TO THIS
15 NOTICE OR TO PERSONALLY APPEAR AT THE ARRAIGNMENT HEARING
16 CONSTITUTES CONSENT TO THE ADJUDICATION OF THIS CHILD (OR
17 CHILDREN) AS A DEPENDENT CHILD (OR CHILDREN) AND MAY
18 ULTIMATELY RESULT IN LOSS OF CUSTODY OF THIS CHILD (OR
19 CHILDREN)."

20 (4) At the arraignment hearing, each party shall
21 provide to the court a permanent mailing address. The court
22 shall advise each party that this address will be used by the
23 court and the petitioner for notice purposes unless and until
24 the party notifies the court and the petitioner in writing of
25 a new mailing address.

26 (5)(c) If at the arraignment hearing the parent,
27 ~~guardian~~, or legal custodian consents or admits to the
28 allegations in the petition, the court shall proceed to hold a
29 dispositional hearing no more than 15 days after the date of
30 the arraignment hearing unless a continuance is necessary at
31 the earliest practicable time that will allow for the

1 ~~completion of a predisposition study.~~

2 (6) At any arraignment hearing, the court shall order
3 visitation rights absent a clear and convincing showing that
4 visitation is not in the best interest of the child.

5 (7) The court shall review whether the department has
6 made a reasonable effort to prevent or eliminate the need for
7 removal or continued removal of the child from the home. If
8 the court determines that the department has not made such an
9 effort, the court shall order the department to provide
10 appropriate and available services to assure the protection of
11 the child in the home when such services are necessary for the
12 child's physical, mental, or emotional health and safety.

13 (8) At the arraignment hearing, and no more than 15
14 days thereafter, the court shall review the necessity for the
15 child's continued placement in the shelter. The court shall
16 also make a written determination regarding the child's
17 continued placement in shelter within 24 hours after any
18 violation of the time requirements for the filing of a
19 petition or prior to the court's granting any continuance as
20 specified in subsection (5).

21 (9) At the conclusion of the arraignment hearing, all
22 parties shall be notified in writing by the court of the date,
23 time, and location for the next scheduled hearing.

24 Section 51. Subsection (2) of section 39.408, Florida
25 Statutes, and section 39.409, Florida Statutes, are renumbered
26 as section 39.507, Florida Statutes, and amended to read:

27 39.507 39.408 Adjudicatory hearings; orders of
28 adjudication ~~Hearings for dependency cases.--~~

29 ~~(2) ADJUDICATORY HEARING.--~~

30 (1)(a) The adjudicatory hearing shall be held as soon
31 as practicable after the petition for dependency is filed and

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 in accordance with the Florida Rules of Juvenile Procedure,
2 but no later than 30 days after the arraignment, ~~reasonable~~
3 ~~delay~~ for the purpose of investigation, discovery, or
4 procuring counsel or witnesses. ~~shall, whenever practicable,~~
5 ~~be granted. If the child is in custody, the time limitations~~
6 ~~provided in s. 39.402 and subsection (1) of this section~~
7 ~~apply.~~

8 (b) Adjudicatory hearings shall be conducted by the
9 judge without a jury, applying the rules of evidence in use in
10 civil cases and adjourning the hearings from time to time as
11 necessary. In a hearing on a petition in which it is alleged
12 that the child is dependent, a preponderance of evidence will
13 be required to establish the state of dependency. Any evidence
14 presented in the dependency hearing which was obtained as the
15 result of an anonymous call must be independently
16 corroborated. In no instance shall allegations made in an
17 anonymous report of abuse, abandonment, or neglect be
18 sufficient to support an adjudication of dependency in the
19 absence of corroborating evidence.

20 (2)(c) ~~(c)~~ All hearings, except as provided in this
21 section, shall be open to the public, and a person may not be
22 excluded except on special order of the judge, who may close
23 any hearing to the public upon determining that the public
24 interest or the welfare of the child is best served by so
25 doing. However, the parents shall be allowed to obtain
26 discovery pursuant to the Florida Rules of Juvenile Procedure.
27 However, nothing in this subsection ~~paragraph~~ shall be
28 construed to affect the provisions of s. 39.202 ~~415.51(9)~~.
29 Hearings involving more than one child may be held
30 simultaneously when the children involved are related to each
31 other or were involved in the same case. The child and the

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 parents, caregivers, or legal custodians of the child may be
2 examined separately and apart from each other.

3 (3) Except as otherwise specifically provided, nothing
4 in this section prohibits the publication of the proceedings
5 in a hearing.

6 ~~39.409 Orders of adjudication.~~

7 (4)(1) If the court finds at the adjudicatory hearing
8 that the child named in a petition is not dependent, it shall
9 enter an order so finding and dismissing the case.

10 (5)(2) If the court finds that the child named in the
11 petition is dependent, but finds that no action other than
12 supervision in the child's home is required, it may enter an
13 order briefly stating the facts upon which its finding is
14 based, but withholding an order of adjudication and placing
15 the child's home under the supervision of the department. If
16 the court later finds that the parents, caregivers, or legal
17 custodians of the child have not complied with the conditions
18 of supervision imposed, the court may, after a hearing to
19 establish the noncompliance, but without further evidence of
20 the state of dependency, enter an order of adjudication and
21 shall thereafter have full authority under this chapter to
22 provide for the child as adjudicated.

23 (6)(3) If the court finds that the child named in a
24 petition is dependent, but shall elect not to proceed under
25 subsection(5)(2), it shall incorporate that finding in an
26 order of adjudication entered in the case, briefly stating the
27 facts upon which the finding is made, and the court shall
28 thereafter have full authority under this chapter to provide
29 for the child as adjudicated.

30 (7) At the conclusion of the adjudicatory hearing, if
31 the child named in the petition is found dependent, the court

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 shall schedule the disposition hearing within 30 days after
2 the filing of the adjudicatory order. All parties shall be
3 notified in writing by the court of the date, time, and
4 location of the disposition hearing.

5 ~~(8)(4)~~ An order of adjudication by a court that a
6 child is dependent shall not be deemed a conviction, nor shall
7 the child be deemed to have been found guilty or to be a
8 criminal by reason of that adjudication, nor shall that
9 adjudication operate to impose upon the child any of the civil
10 disabilities ordinarily imposed by or resulting from
11 conviction or disqualify or prejudice the child in any civil
12 service application or appointment.

13 Section 52. Subsections (3) and (4) of section 39.408,
14 Florida Statutes, and section 39.41, Florida Statutes, as
15 amended by chapter 97-276, Laws of Florida, are renumbered as
16 section 39.508, Florida Statutes, and amended to read:

17 39.508 ~~39.408~~ Disposition hearings; powers of
18 disposition ~~Hearings for dependency cases.--~~

19 ~~(1)(3) DISPOSITION HEARING.--~~At the disposition
20 hearing, if the court finds that the facts alleged in the
21 petition for dependency were proven in the adjudicatory
22 hearing, or if the parents, caregivers, or legal custodians
23 have consented to the finding of dependency or admitted the
24 allegations in the petition, have failed to appear for the
25 arraignment hearing after proper notice, or have not been
26 located despite a diligent search having been conducted, the
27 court shall receive and consider a case plan and a
28 predisposition study, which must be in writing and presented
29 by an authorized agent of the department.

30 ~~(2)(a)~~ The predisposition study shall cover for any
31 dependent child all factors specified in s. 61.13(3), and must

1 also provide the court with the following documented
2 information:

3 ~~(a)1.~~ An assessment defining the dangers and risks of
4 returning the child home, including a description of the
5 changes in and resolutions to the initial risks.

6 ~~(b)2.~~ A description of what risks are still present
7 and what resources are available and will be provided for the
8 protection and safety of the child.

9 ~~(c)3.~~ A description of the benefits of returning the
10 child home.

11 ~~(d)4.~~ A description of all unresolved issues.

12 ~~(e)5.~~ An abuse registry history and criminal records
13 check for all caregivers caretakers, family members, and
14 individuals residing within the household.

15 ~~(f)6.~~ The complete child protection team report and
16 recommendation or, if no report exists, a statement reflecting
17 that no report has been made.

18 ~~(g)7.~~ All opinions or recommendations from other
19 professionals or agencies that provide evaluative, social,
20 reunification, or other services to the family.

21 ~~(h)8.~~ The availability of appropriate prevention and
22 reunification services for the family to prevent the removal
23 of the child from the home or to reunify the child with the
24 family after removal, including the availability of family
25 preservation services through the Family Builders Program, the
26 Intensive Crisis Counseling Program, or both.

27 ~~(i)9.~~ The inappropriateness of other prevention and
28 reunification services that were available.

29 ~~(j)10.~~ The efforts by the department to prevent
30 out-of-home placement of the child or, when applicable, to
31 reunify the family if appropriate services were available,

1 including the application of intensive family preservation
2 services through the Family Builders Program, the Intensive
3 Crisis Counseling Program, or both.

4 (k)~~11~~. Whether the services were provided to the
5 family and child.

6 (l)~~12~~. If the services were provided, whether they
7 were sufficient to meet the needs of the child and the family
8 and to enable the child to remain safely at home or to be
9 returned home.

10 (m)~~13~~. If the services were not provided, the reasons
11 for such lack of action.

12 (n)~~14~~. The need for, or appropriateness of, continuing
13 the services if the child remains in the custody of the family
14 or if the child is placed outside the home.

15 (o)~~15~~. Whether family mediation was provided.

16 ~~16. Whether a multidisciplinary case staffing was
17 conducted and, if so, the results.~~

18 (p)~~17~~. If the child has been removed from the home and
19 there is a parent, caregiver, or legal custodian who may be
20 considered for custody pursuant to this section s. 39.41(1), a
21 recommendation as to whether placement of the child with that
22 parent, caregiver, or legal custodian would be detrimental to
23 the child.

24 (q) If the child has been removed from the home and
25 will be remaining with a relative or caregiver, a home study
26 report shall be included in the predisposition report.

27
28 Any other relevant and material evidence, including other
29 written or oral reports, may be received by the court in its
30 effort to determine the action to be taken with regard to the
31 child and may be relied upon to the extent of its probative

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

4 (3)(a) Prior to recommending to the court any
5 out-of-home placement for a child other than placement in a
6 licensed shelter or foster home, the department shall conduct
7 a study of the home of the proposed caregivers, which must
8 include, at a minimum:

9 1. An interview with the proposed adult caregivers to
10 assess their ongoing commitment and ability to care for the
11 child.

12 2. Records checks through the department's automated
13 abuse information system, and local and statewide criminal and
14 juvenile records checks through the Department of Law
15 Enforcement, on all household members 12 years of age or older
16 and any other persons made known to the department who are
17 frequent visitors in the home.

18 3. An assessment of the physical environment of the
19 home.

20 4. A determination of the financial security of the
21 proposed caregivers.

22 5. A determination of suitable child care arrangements
23 if the proposed caregivers are employed outside of the home.

24 6. Documentation of counseling and information
25 provided to the proposed caregivers regarding the dependency
26 process and possible outcomes.

27 7. Documentation that information regarding support
28 services available in the community has been provided to the
29 caregivers.

30 (b) The department shall not place the child or
31 continue the placement of the child in the home of the

1 proposed caregivers if the results of the home study are
2 unfavorable.

3 ~~(4)(b)~~ If placement of the child with anyone other
4 than the child's parent, caregiver, or legal custodian is
5 being considered, the predisposition study shall include the
6 designation of a specific length of time as to when custody by
7 the parent, caregiver, or legal custodian will be
8 reconsidered.

9 ~~(c)~~ ~~A copy of the predisposition study must be~~
10 ~~furnished to all parties no later than 48 hours before the~~
11 ~~disposition hearing.~~

12 ~~(5)(d)~~ The predisposition study may not be made before
13 the adjudication of dependency unless the parents, caregivers,
14 or legal custodians of the child consent.

15 (6) A case plan and predisposition study must be filed
16 with the court and served upon the parents, caregivers, or
17 legal custodians of the child, provided to the representative
18 of the guardian ad litem program, if the program has been
19 appointed, and provided to all other parties not less than 48
20 hours before the disposition hearing. All such case plans must
21 be approved by the court. If the court does not approve the
22 case plan at the disposition hearing, the court must set a
23 hearing within 30 days after the disposition hearing to review
24 and approve the case plan.

25 (7) The initial judicial review must be held no later
26 than 90 days after the date of the disposition hearing or
27 after the date of the hearing at which the court approves the
28 case plan, but in no event shall the review be held later than
29 6 months after the date of the child's removal from the home.

30
31 ~~Any other relevant and material evidence, including other~~

1 ~~written or oral reports, may be received by the court in its~~
2 ~~effort to determine the action to be taken with regard to the~~
3 ~~child and may be relied upon to the extent of its probative~~
4 ~~value, even though not competent in an adjudicatory hearing.~~
5 ~~Except as provided in paragraph (2)(c), nothing in this~~
6 ~~section prohibits the publication of proceedings in a hearing.~~

7 ~~(4) NOTICE OF HEARINGS. The parent or legal custodian~~
8 ~~of the child, the attorney for the department, the guardian ad~~
9 ~~litem, and all other parties and participants shall be given~~
10 ~~reasonable notice of all hearings provided for under this~~
11 ~~section.~~

12 ~~39.41 Powers of disposition.--~~

13 ~~(8)(1)~~ When any child is adjudicated by a court to be
14 dependent, and the court finds that removal of the child from
15 the custody of a parent, legal custodian, or caregiver is
16 necessary, the court shall first determine whether there is a
17 parent with whom the child was not residing at the time the
18 events or conditions arose that brought the child within the
19 jurisdiction of the court who desires to assume custody of the
20 child and, if such parent requests custody, the court shall
21 place the child with the parent unless it finds that such
22 placement would endanger the safety, and well-being, or
23 physical, mental, or emotional health of the child. Any party
24 with knowledge of the facts may present to the court evidence
25 regarding whether the placement will endanger the safety, and
26 well-being, or physical, mental, or emotional health of the
27 child. If the court places the child with such parent, it may
28 do either of the following:

29 (a) Order that the parent become the legal and
30 physical custodian of the child. The court may also provide
31 for reasonable visitation by the noncustodial parent. The

1 court shall then terminate its jurisdiction over the child.
2 The custody order shall continue unless modified by a
3 subsequent order of the court. The order of the juvenile court
4 shall be filed in any dissolution or other custody action or
5 proceeding between the parents.

6 (b) Order that the parent assume custody subject to
7 the jurisdiction of the juvenile court. The court may order
8 that reunification services be provided to the parent,
9 caregiver, or legal custodian ~~or guardian~~ from whom the child
10 has been removed, that services be provided solely to the
11 parent who is assuming physical custody in order to allow that
12 parent to retain later custody without court jurisdiction, or
13 that services be provided to both parents, in which case the
14 court shall determine at the review hearing held within 90
15 days after the disposition or the hearing approving the case
16 plan, and at the review hearings held every 6 months
17 thereafter, which parent, if either, shall have custody of the
18 child. The standard for changing custody of the child from one
19 parent to another or to a relative or caregiver must meet the
20 home study criteria and court approval pursuant to this
21 chapter ~~at the review hearings shall be the same standard as~~
22 ~~applies to changing custody of the child in a custody hearing~~
23 ~~following a decree of dissolution of marriage.~~

24 (9)(2)(a) When any child is adjudicated by a court to
25 be dependent, the court having jurisdiction of the child has
26 the power, by order, to:

27 1. Require the parent, caregiver, or legal guardian,
28 ~~or~~ custodian, and the child when appropriate, to participate
29 in treatment and services identified as necessary.

30 2. Require the parent, caregiver, or legal guardian,
31 ~~or~~ custodian, and the child when appropriate, to participate

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 in mediation if the parent, caregiver, or legal guardian, or
2 custodian refused to participate in mediation ~~under s.~~
3 ~~39.4033.~~

4 3. Place the child under the protective supervision of
5 an authorized agent of the department, either in the child's
6 own home or, the prospective custodian being willing, in the
7 home of a relative of the child or of a caregiver ~~an adult~~
8 ~~nonrelative~~ approved by the court, or in some other suitable
9 place under such reasonable conditions as the court may
10 direct. ~~Whenever the child is placed under protective~~
11 ~~supervision pursuant to this section, the department shall~~
12 ~~prepare a case plan and shall file it with the court.~~
13 Protective supervision continues until the court terminates it
14 or until the child reaches the age of 18, whichever date is
15 first. Protective supervision shall ~~may~~ be terminated by the
16 court whenever the court determines that permanency has been
17 achieved for the child ~~the child's placement~~, whether with a
18 parent, another relative, a legal custodian, or a caregiver,
19 ~~or a nonrelative, is stable~~ and that protective supervision is
20 no longer needed. The termination of supervision may be with
21 or without retaining jurisdiction, at the court's discretion,
22 and shall in either case be considered a permanency option for
23 the child. The order terminating supervision by the
24 department ~~of Children and Family Services~~ shall set forth the
25 powers of the custodian of the child and shall include the
26 powers ordinarily granted to a guardian of the person of a
27 minor unless otherwise specified.

28 4. Place the child in the temporary legal custody of
29 an adult relative or caregiver ~~an adult nonrelative~~ approved
30 by the court who is willing to care for the child.

31 5.a. When the parents have failed to comply with a

1 case plan and the court determines at a judicial review
2 hearing, or at an adjudication hearing held pursuant to ~~s-~~
3 ~~39.453, or at a hearing held pursuant to subparagraph (1)(a)7.~~
4 ~~of~~ this section, that neither reunification, termination of
5 parental rights, nor adoption is in the best interest of the
6 child, the court may place the child in the long-term custody
7 of an adult relative or caregiver ~~adult nonrelative~~ approved
8 by the court willing to care for the child, if the following
9 conditions are met:

10 (I) A case plan describing the responsibilities of the
11 relative or caregiver ~~nonrelative~~, the department, and any
12 other party must have been submitted to the court.

13 (II) The case plan for the child does not include
14 reunification with the parents or adoption by the relative or
15 caregiver.

16 (III) The child and the relative or caregiver
17 ~~nonrelative custodian~~ are determined not to need protective
18 supervision or preventive services to ensure the stability of
19 the long-term custodial relationship, or the department
20 assures the court that protective supervision or preventive
21 services will be provided in order to ensure the stability of
22 the long-term custodial relationship.

23 (IV) Each party to the proceeding agrees that a
24 long-term custodial relationship does not preclude the
25 possibility of the child returning to the custody of the
26 parent at a later date.

27 (V) The court has considered the reasonable preference
28 of the child if the court has found the child to be of
29 sufficient intelligence, understanding, and experience to
30 express a preference.

31 (VI) The court has considered the recommendation of

1 the guardian ad litem if one has been appointed.

2 b. The court shall retain jurisdiction over the case,
3 and the child shall remain in the long-term custody of the
4 relative or caregiver ~~nonrelative~~ approved by the court until
5 the order creating the long-term custodial relationship is
6 modified by the court. The court may relieve the department of
7 the responsibility for supervising the placement of the child
8 whenever the court determines that the placement is stable and
9 that such supervision is no longer needed. Notwithstanding
10 the retention of jurisdiction, the placement shall be
11 considered a permanency option for the child when the court
12 relieves the department of the responsibility for supervising
13 the placement. The order terminating supervision by the
14 department ~~of Children and Family Services~~ shall set forth the
15 powers of the custodian of the child and shall include the
16 powers ordinarily granted to a guardian of the person of a
17 minor unless otherwise specified. The court may modify the
18 order terminating supervision of the long-term relative or
19 caregiver ~~nonrelative~~ placement if it finds that a party to
20 the proceeding has shown a material change in circumstances
21 which causes the long-term relative or caregiver ~~nonrelative~~
22 placement to be no longer in the best interest of the child.

23 6.a. Approve placement of the child in long-term
24 out-of-home ~~foster~~ care, when the following conditions are
25 met:

26 (I) The foster child is 16 years of age or older,
27 unless the court determines that the history or condition of a
28 younger child makes long-term out-of-home ~~foster~~ care the most
29 appropriate placement.

30 (II) The child demonstrates no desire to be placed in
31 an independent living arrangement pursuant to this subsection.

1 (III) The department's social services study pursuant
2 to part VIII s. 39.453(6)(a) recommends long-term out-of-home
3 ~~foster~~ care.

4 b. Long-term out-of-home ~~foster~~ care under the above
5 conditions shall not be considered a permanency option.

6 c. The court may approve placement of the child in
7 long-term out-of-home ~~foster~~ care, as a permanency option,
8 when all of the following conditions are met:

9 (I) The child is 14 years of age or older,

10 (II) The child is living in a licensed home and the
11 foster parents desire to provide care for the child on a
12 permanent basis and the foster parents and the child do not
13 desire adoption,

14 (III) The foster family has made a commitment to
15 provide for the child until he or she reaches the age of
16 majority and to prepare the child for adulthood and
17 independence, and

18 (IV) The child has remained in the home for a
19 continuous period of no less than 12 months.

20 (V) The foster parents and the child view one another
21 as family and consider living together as the best place for
22 the child to be on a permanent basis.

23 (VI) The department's social services study recommends
24 such placement and finds the child's well-being has been
25 promoted through living with the foster parents.

26 d. Notwithstanding the retention of jurisdiction and
27 supervision by the department, long-term out-of-home ~~foster~~
28 care placements made pursuant to ~~sub-subparagraph (2)(a)6.c.~~
29 ~~of~~ this section shall be considered a permanency option for
30 the child. For purposes of this subsection, supervision by
31 the department shall be defined as a minimum of semiannual

1 visits. The order placing the child in long-term out-of-home
2 ~~foster~~ care as a permanency option shall set forth the powers
3 of the custodian of the child and shall include the powers
4 ordinarily granted to a guardian of the person of a minor
5 unless otherwise specified. The court may modify the
6 permanency option of long-term out-of-home ~~foster~~ care if it
7 finds that a party to the proceeding has shown a material
8 change in circumstances which causes the placement to be no
9 longer in the best interests of the child.

10 e. Approve placement of the child in an independent
11 living arrangement for any foster child 16 years of age or
12 older, if it can be clearly established that this type of
13 alternate care arrangement is the most appropriate plan and
14 that the health, safety, and well-being of the child will not
15 be jeopardized by such an arrangement. While in independent
16 living situations, children whose legal custody has been
17 awarded to the department or a licensed child-caring or
18 child-placing agency, or who have been voluntarily placed with
19 such an agency by a parent, guardian, relative, or adult
20 nonrelative approved by the court, continue to be subject to
21 court review provisions.

22 ~~7. Commit the child to a licensed child-caring agency~~
23 ~~willing to receive the child. Continued commitment to the~~
24 ~~licensed child-caring agency, as well as all other proceedings~~
25 ~~under this section pertaining to the child, are also governed~~
26 ~~by part V of this chapter.~~

27 ~~7.8.~~ Commit the child to the temporary legal custody
28 of the department. Such commitment invests in the department
29 all rights and responsibilities of a legal custodian. The
30 department shall not return any child to the physical care and
31 custody of the person from whom the child was removed, except

1 for short visitation periods, without the approval of the
2 court. The term of such commitment continues until terminated
3 by the court or until the child reaches the age of 18. After
4 the child is committed to the temporary custody of the
5 department, all further proceedings under this section are
6 also governed by ~~part V~~ of this chapter.

7 8.9-a. Change the temporary legal custody or the
8 conditions of protective supervision at a postdisposition
9 hearing subsequent to the initial detention hearing, without
10 the necessity of another adjudicatory hearing. A child who has
11 been placed in the child's own home under the protective
12 supervision of an authorized agent of the department, in the
13 home of a relative, in the home of a legal custodian or
14 caregiver nonrelative, or in some other place may be brought
15 before the court by the agent of the department who is
16 supervising the placement or by any other interested person,
17 upon the filing of a petition alleging a need for a change in
18 the conditions of protective supervision or the placement. If
19 the parents or other custodians deny the need for a change,
20 the court shall hear all parties in person or by counsel, or
21 both. Upon the admission of a need for a change or after such
22 hearing, the court shall enter an order changing the
23 placement, modifying the conditions of protective supervision,
24 or continuing the conditions of protective supervision as
25 ordered. The standard for changing custody of the child from
26 one parent to another or to a relative or caregiver must meet
27 the home study criteria and court approval pursuant to this
28 chapter.

29 b. In cases where the issue before the court is
30 whether a child should be reunited with a parent, the court
31 shall determine whether the parent has substantially complied

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 with the terms of the case plan to the extent that the
2 ~~well-being and safety, well-being, and physical, mental, and~~
3 ~~emotional health~~ of the child is not endangered by the return
4 of the child to the home.

5 ~~10. Approve placement of the child in an independent~~
6 ~~living arrangement for any foster child 16 years of age or~~
7 ~~older, if it can be clearly established that this type of~~
8 ~~alternate care arrangement is the most appropriate plan and~~
9 ~~that the safety and welfare of the child will not be~~
10 ~~jeopardized by such an arrangement. While in independent~~
11 ~~living situations, children whose legal custody has been~~
12 ~~awarded to the department or a licensed child-caring or~~
13 ~~child-placing agency, or who have been voluntarily placed with~~
14 ~~such an agency by a parent, guardian, relative, or adult~~
15 ~~nonrelative approved by the court, continue to be subject to~~
16 ~~the court review provisions of s. 39.453.~~

17 (b) The court shall, in its written order of
18 disposition, include all of the following:

19 1. The placement or custody of the child as provided
20 in paragraph (a).

21 2. Special conditions of placement and visitation.

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

24 4. The persons or entities responsible for supervising
25 or monitoring services to the child and family.

26 5. Continuation or discharge of the guardian ad litem,
27 as appropriate.

28 6. The date, time, and location of the next scheduled
29 review hearing, which must occur within 90 days after the
30 disposition hearing or within the earlier of:

31 a. Six months after the date of the last review

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 hearing; or

2 b. Six months after the date of the child's removal
3 from his or her home, if no review hearing has been held since
4 the child's removal from the home.~~The period of time or date~~
5 ~~for any subsequent case review required by law.~~

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

10 (c) If the court finds that the prevention or
11 reunification efforts of the department will allow the child
12 to remain safely at home or be safely returned to the home,
13 the court shall allow the child to remain in or return to the
14 home after making a specific finding of fact that the reasons
15 for removal have been remedied to the extent that the child's
16 safety, and well-being, and physical, mental, and emotional
17 health will not be endangered.

18 ~~(d)(5)(a)~~ If the court commits the child to the
19 temporary legal custody of the department, the disposition
20 order must include a written determination that the child
21 cannot safely remain at home with reunification or family
22 preservation services and that removal of the child is
23 necessary to protect the child. If the child has been removed
24 before the disposition hearing, the order must also include a
25 written determination as to whether, after removal, the
26 department has made a reasonable effort to reunify the family.
27 The department has the burden of demonstrating that it has
28 made reasonable efforts under this paragraph subsection.

29 ~~1.(b)~~ For the purposes of this paragraph subsection,
30 the term "reasonable effort" means the exercise of reasonable
31 diligence and care by the department to provide the services

1 delineated in the case plan.

2 ~~2.(c)~~ In support of its determination as to whether
3 reasonable efforts have been made, the court shall:

4 ~~a.1.~~ Enter written findings as to whether or not
5 prevention or reunification efforts were indicated.

6 ~~b.2.~~ If prevention or reunification efforts were
7 indicated, include a brief written description of what
8 appropriate and available prevention and reunification efforts
9 were made.

10 ~~c.3.~~ Indicate in writing why further efforts could or
11 could not have prevented or shortened the separation of the
12 family.

13 ~~3.(d)~~ A court may find that the department has made a
14 reasonable effort to prevent or eliminate the need for removal
15 if:

16 ~~a.1.~~ The first contact of the department with the
17 family occurs during an emergency.

18 ~~b.2.~~ The appraisal by the department of the home
19 situation indicates that it presents a substantial and
20 immediate danger to the child's safety or physical, mental, or
21 emotional health ~~child~~ which cannot be mitigated by the
22 provision of preventive services.

23 ~~c.3.~~ The child cannot safely remain at home, either
24 because there are no preventive services that can ensure the
25 health and safety of the child or, even with appropriate and
26 available services being provided, the health and safety of
27 the child cannot be ensured.

28 ~~4.(e)~~ A reasonable effort by the department for
29 reunification of the family has been made if the appraisal of
30 the home situation by the department indicates that the
31 severity of the conditions of dependency is such that

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 reunification efforts are inappropriate. The department has
2 the burden of demonstrating to the court that reunification
3 efforts were inappropriate.

4 ~~5.(f)~~ If the court finds that the prevention or
5 reunification effort of the department would not have
6 permitted the child to remain safely at home, the court may
7 commit the child to the temporary legal custody of the
8 department or take any other action authorized by this chapter
9 part.

10 ~~(10)(3)~~(a) When any child is adjudicated by the court
11 to be dependent and temporary legal custody of the child has
12 been placed with an adult relative, legal custodian, or
13 caregiver ~~or adult nonrelative~~ approved by the court ~~willing~~
14 ~~to care for the child~~, a licensed child-caring agency, or the
15 department, the court shall, unless a parent has voluntarily
16 executed a written surrender for purposes of adoption, order
17 the parents, or the guardian of the child's estate if
18 possessed of assets which under law may be disbursed for the
19 care, support, and maintenance of the child, to pay child
20 support to the adult relative, legal custodian, or caregiver
21 ~~or nonrelative~~ caring for the child, the licensed child-caring
22 agency, or the department. The court may exercise jurisdiction
23 over all child support matters, shall adjudicate the financial
24 obligation, including health insurance, of the child's parents
25 or guardian, and shall enforce the financial obligation as
26 provided in chapter 61. The state's child support enforcement
27 agency shall enforce child support orders under this section
28 in the same manner as child support orders under chapter 61.

29 (b) Placement of the child pursuant to subsection (8)
30 ~~(1)~~ shall not be contingent upon issuance of a support order.

31 ~~(11)(4)~~(a) If the court does not commit the child to

1 the temporary legal custody of an adult relative, legal
2 custodian, or caregiver ~~or adult nonrelative~~ approved by the
3 court, the disposition order shall include the reasons for
4 such a decision and shall include a determination as to
5 whether diligent efforts were made by the department to locate
6 an adult relative, legal custodian, or caregiver willing to
7 care for the child in order to present that placement option
8 to the court instead of placement with the department.

9 (b) If diligent efforts are ~~a diligent search is~~ made
10 to locate an adult relative willing and able to care for the
11 child but, because no suitable relative is found, the child is
12 placed with the department or a legal custodian or caregiver
13 ~~nonrelative custodian~~, both the department and the court shall
14 consider transferring temporary legal custody to an a willing
15 ~~adult relative or adult nonrelative~~ approved by the court at a
16 later date, but neither the department nor the court is
17 obligated to so place the child if it is in the child's best
18 interest to remain in the current placement. For the purposes
19 of this paragraph, "diligent efforts to locate an adult
20 relative" means a search similar to the diligent search for a
21 parent, but without the continuing obligation to search after
22 an initial adequate search is completed.

23 (12)(6) An agency granted legal custody shall have the
24 right to determine where and with whom the child shall live,
25 but an individual granted legal custody shall exercise all
26 rights and duties personally unless otherwise ordered by the
27 court.

28 (13)(7) In carrying out the provisions of this
29 chapter, the court may order the natural parents, caregivers,
30 or legal custodians ~~guardian~~ of a child who is found to be
31 dependent to participate in family counseling and other

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 professional counseling activities deemed necessary for the
2 rehabilitation of the child.

3 (14)(8) With respect to a child who is the subject in
4 proceedings under ~~part V~~ of this chapter, the court shall
5 issue to the department an order to show cause why it should
6 not return the child to the custody of the natural parents,
7 legal custodians, or caregivers upon expiration of the case
8 plan, or sooner if the parents, legal custodians, or
9 caregivers have substantially complied with the case plan.

10 (15)(9) The court may at any time enter an order
11 ending its jurisdiction over any child, except that, when a
12 child has been returned to the parents under subsection (14)
13 (8), the court shall not terminate its jurisdiction over the
14 child until 6 months after the child's return. Based on a
15 report of the department or agency or the child's guardian ad
16 litem, and any other relevant factors, the court shall then
17 determine whether its jurisdiction should be continued or
18 terminated in such a case; if its jurisdiction is to be
19 terminated, the court shall enter an order to that effect.

20 Section 53. Section 39.5085, Florida Statutes, is
21 created to read:

22 39.5085 Relative Caregiver Program.--

23 (1) It is the intent of the Legislature in enacting
24 this section to:

25 (a) Recognize family relationships in which a
26 grandparent or other relative is the head of a household which
27 includes a child otherwise at risk of the trauma of
28 out-of-home placement, through removing barriers to such
29 family relationships such as foster care licensing
30 requirements and lack of financial assistance.

31 (b) Enhance family preservation and stability by

1 recognizing that children in such long-term stable placements
2 with grandparents or other relatives do not need continued
3 government supervision of the placement by the courts or the
4 child protection system.

5 (c) Provide additional placement options and
6 incentives that will achieve permanency and stability for many
7 children who are otherwise at risk of the trauma of entering
8 the child protection system because of abuse, abandonment, or
9 neglect, but who may be able to be successfully placed by the
10 courts or the child protection system in the care of
11 relatives.

12 (d) Reserve the limited casework and supervisory
13 resources of the courts and the child protection system for
14 those cases in which children do not have the option for safe,
15 stable care within the family.

16 (2)(a) The department shall establish and operate the
17 Relative Caregiver Program to provide financial assistance to
18 relatives, within the fifth degree by blood or marriage to the
19 parent or stepparent of a child, who are caring full-time for
20 that child in the role of substitute parent as a result of a
21 departmental determination and subsequent court order with a
22 finding that it is contrary to the child's best interest for
23 the child to remain at home. The Relative Caregiver Program
24 shall offer financial assistance to relative caregivers who
25 would be unable to serve in such capacity without the relative
26 caregiver benefit payment because of the financial burden,
27 thus exposing the child to the trauma of placement in shelter
28 or foster care.

29 (b) Relative caregivers who receive assistance under
30 this section must be capable, as determined by a home study,
31 of providing a physically safe environment and a stable,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 supportive home for the children under their care. Relatives
2 who qualify for the Relative Caregiver Program shall be exempt
3 from foster care licensing requirements under s. 409.175.

4 (c) Relative caregivers who are caring for children
5 placed with them by the child protection system shall receive
6 a special monthly relative caregiver benefit payment. The
7 relative caregiver shall ensure that requirements for the
8 child's well-being, including immunizations, education, and
9 mental health services, can be met. The amount of the special
10 benefit payment shall be based on the child's age and needed
11 care. Relative caregivers shall receive a monthly benefit
12 payment according to their financial need and the risk to the
13 child of out-of-home placement, under eligibility criteria
14 established by the department. Children receiving cash
15 benefits under this section shall not be eligible to
16 simultaneously receive WAGES cash benefits under s. 414.095.

17 (d) Within available funding, the department shall
18 provide relative caregivers with family support and family
19 preservation services, flexible funds in accordance with s.
20 409.165, subsidized child care, and other services which would
21 otherwise be available to children in foster care, to support
22 the child's safety, growth, and healthy development.

23 (e) Children living with relative caregivers who are
24 receiving assistance under this section shall be eligible to
25 receive the same medical coverage available for children in
26 foster care.

27 (f) The department is authorized to maximize the use
28 of federal funds under Title IV-E of the Social Security Act
29 and the Temporary Assistance For Needy Families program, as
30 well as other appropriate state, federal, and private funds,
31 to operate the Relative Caregiver Program. For each child

1 served, the cost of providing the assistance and services
2 described in this section shall not exceed the cost of
3 providing out-of-home care in shelter or foster care.

4 Section 54. Section 39.4105, Florida Statutes, is
5 renumbered as section 39.509, Florida Statutes, and amended to
6 read:

7 39.509 ~~39.4105~~ Grandparents rights.--Notwithstanding
8 any other provision of law, a maternal or paternal grandparent
9 as well as a stepgrandparent is entitled to reasonable
10 visitation with his or her grandchild who has been adjudicated
11 a dependent child and taken from the physical custody of the
12 ~~his or her~~ parent, custodian, legal guardian, or caregiver
13 unless the court finds that such visitation is not in the best
14 interest of the child or that such visitation would interfere
15 with the goals of the case plan ~~pursuant to s. 39.451~~.

16 Reasonable visitation may be unsupervised and, where
17 appropriate and feasible, may be frequent and continuing.

18 (1) Grandparent visitation may take place in the home
19 of the grandparent unless there is a compelling reason for
20 denying such a visitation. The department's caseworker shall
21 arrange the visitation to which a grandparent is entitled
22 pursuant to this section. The state shall not charge a fee
23 for any costs associated with arranging the visitation.
24 However, the grandparent shall pay for the child's cost of
25 transportation when the visitation is to take place in the
26 grandparent's home. The caseworker shall document the reasons
27 for any decision to restrict a grandparent's visitation.

28 (2) A grandparent entitled to visitation pursuant to
29 this section shall not be restricted from appropriate displays
30 of affection to the child, such as appropriately hugging or
31 kissing his or her grandchild. Gifts, cards, and letters from

1 the grandparent and other family members shall not be denied
2 to a child who has been adjudicated a dependent child.

3 (3) Any attempt by a grandparent to facilitate a
4 meeting between the child who has been adjudicated a dependent
5 child and the child's parent, custodian, legal guardian, or
6 caregiver in violation of a court order shall automatically
7 terminate future visitation rights of the grandparent.

8 (4) When the child has been returned to the physical
9 custody of his or her parent or permanent custodian, legal
10 guardian, or caregiver, the visitation rights granted pursuant
11 to this section shall terminate.

12 (5) The termination of parental rights does not affect
13 the rights of grandparents unless the court finds that such
14 visitation is not in the best interest of the child or that
15 such visitation would interfere with the goals of permanency
16 planning for the child.

17 ~~(6)~~(5) In determining whether grandparental visitation
18 is not in the child's best interest, consideration may be
19 given to the finding of guilt, regardless of adjudication, or
20 entry or plea of guilty or nolo contendere to charges under
21 the following statutes, or similar statutes of other
22 jurisdictions: s. 787.04, relating to removing minors from
23 the state or concealing minors contrary to court order; s.
24 794.011, relating to sexual battery; s. 798.02, relating to
25 lewd and lascivious behavior; chapter 800, relating to
26 lewdness and indecent exposure; or chapter 827, relating to
27 the abuse of children. Consideration may also be given to a
28 finding of confirmed abuse, abandonment, or neglect under ss.
29 415.101-415.113 or this chapter and ~~ss. 415.502-415.514~~.

30 Section 55. Section 39.413, Florida Statutes, is
31 renumbered as section 39.510, Florida Statutes, and subsection

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 (1) of said section is amended to read:

2 39.510 ~~39.413~~ Appeal.--

3 (1) Any child, ~~any~~ parent, guardian ad litem,
4 caregiver, or legal custodian of any child, any other party to
5 the proceeding who is affected by an order of the court, or
6 the department may appeal to the appropriate district court of
7 appeal within the time and in the manner prescribed by the
8 Florida Rules of Appellate Procedure. Appointed counsel shall
9 be compensated as provided in this chapter ~~s. 39.415~~.

10 Section 56. Part VII of chapter 39, Florida Statutes,
11 consisting of sections 39.601, 39.602, and 39.603, Florida
12 Statutes, shall be entitled to read:

13 PART VII

14 CASE PLANS

15 Section 57. Sections 39.4031 and 39.451, Florida
16 Statutes, are renumbered as section 39.601, Florida Statutes,
17 and amended to read:

18 39.601 ~~39.4031~~ Case plan requirements.--

19 (1) The department or agent of the department shall
20 develop a case plan for each child or child's family receiving
21 services pursuant to this chapter ~~who is a party to any~~
22 ~~dependency proceeding, activity, or process under this part.~~
23 A parent, caregiver, or legal guardian, or custodian of a
24 child may not be required nor coerced through threat of loss
25 of custody or parental rights to admit in the case plan to
26 abusing, neglecting, or abandoning a child. Where dependency
27 mediation services are available and appropriate to the best
28 interests of the child, the court may refer the case to
29 mediation for development of a case plan. This section does
30 not change the provisions of s. 39.807 ~~39.464~~.

31 ~~(2) The case plan must be:~~

1 (a) The case plan must be developed in conference with
2 the parent, caregiver, or legal guardian, or custodian of the
3 child ~~and, if appropriate, the child and any court-appointed~~
4 guardian ad litem and, if appropriate, the child. ~~Any parent~~
5 ~~who believes that his or her perspective has not been~~
6 ~~considered in the development of a case plan may request~~
7 ~~referral to mediation pursuant to s. 39.4033 when such~~
8 ~~services are available.~~

9 (b) The case plan must be written simply and clearly
10 in English and, if English is not the principal language of
11 the child's parent, caregiver, or legal guardian, or
12 custodian, to the extent possible in such principal language.

13 (c) The case plan must describe the minimum number of
14 face-to-face meetings to be held each month between the
15 parents, caregivers, or legal custodians and the department's
16 caseworkers to review progress of the plan, to eliminate
17 barriers to progress, and to resolve conflicts or
18 disagreements.

19 (d)~~(e)~~ The case plan must be subject to modification
20 based on changing circumstances.

21 (e)~~(d)~~ The case plan must be signed by all parties.

22 (f)~~(e)~~ The case plan must be reasonable, accurate, and
23 in compliance with the requirements of other court orders.

24 (2)~~(3)~~ When the child or family is receiving services
25 ~~in the child's home,~~ the case plan must ~~be developed within 30~~
26 ~~days from the date of the department's initial contact with~~
27 ~~the child, or within 30 days of the date of a disposition~~
28 ~~order placing the child under the protective supervision of~~
29 ~~the department in the child's own home, and must include, in~~
30 addition to the requirements in subsection~~(1)~~~~(2)~~, at a
31 minimum:

1 (a) A description of the problem being addressed that
2 includes the behavior or act of a parent, legal custodian, or
3 caregiver resulting in risk to the child and the reason for
4 the department's intervention.

5 (b) A description of the services to be provided to
6 the family and child specifically addressing the identified
7 problem, including:

- 8 1. Type of services or treatment.
- 9 2. Frequency of services or treatment.
- 10 3. Location of the delivery of the services.
- 11 4. The accountable department staff or service
12 provider.

13 ~~5. The need for a multidisciplinary case staffing~~
14 ~~under s. 39.4032.~~

15 (c) A description of the measurable objectives,
16 including timeframes for achieving objectives, addressing the
17 identified problem.

18 ~~(3)(4)~~ When the child is receiving services in a
19 placement outside the child's home or in foster care, the case
20 plan must be submitted to the court for approval at the
21 disposition hearing prepared within 30 days after placement
22 ~~and also be approved by the court~~ and must include, in
23 addition to the requirements in subsections (1) and (2) and
24 ~~(3)~~, at a minimum:

25 (a) A description of the permanency goal for the
26 child, including the type of placement. Reasonable efforts to
27 place a child for adoption or with a legal guardian may be
28 made concurrently with reasonable efforts to prevent removal
29 of the child from the home or make it possible for the child
30 to return safely home.

31 (b) A description of the type of home or institution

1 in which the child is to be placed.

2 (c) A description of the financial support obligation
3 to the child, including health insurance, of the child's
4 parent, parents, caregiver, or legal custodian ~~or guardian~~.

5 (d) A description of the visitation rights and
6 obligations of the parent or parents, caregiver, or legal
7 custodian during the period the child is in care.

8 (e) A discussion of the safety and appropriateness of
9 the child's placement, which placement is intended to be safe,
10 ~~in~~ the least restrictive and most family-like setting
11 available consistent with the best interest and special needs
12 of the child, and in as close proximity as possible to the
13 child's home. The plan must also establish the role for the
14 foster parents or custodians in the development of the
15 services which are to be provided to the child, foster
16 parents, or legal custodians. It must also address the child's
17 need for services while under the jurisdiction of the court
18 and implementation of these services in the case plan.

19 (f) A description of the efforts to be undertaken to
20 maintain the stability of the child's educational placement.

21 (g)~~(f)~~ A discussion of the department's plans to carry
22 out the judicial determination made by the court, with respect
23 to the child, in accordance with this chapter and applicable
24 federal regulations.

25 (h)~~(g)~~ A description of the plan for assuring that
26 services outlined in the case plan are provided to the child
27 and the child's parent or parents, legal custodians, or
28 caregivers, to improve the conditions in the family home and
29 facilitate either the safe return of the child to the home or
30 the permanent placement of the child.

31 (i)~~(h)~~ A description of the plan for assuring that

1 services as outlined in the case plan are provided to the
2 child and the child's parent or parents, legal custodians, or
3 caregivers, to address the needs of the child and a discussion
4 of the appropriateness of the services.

5 (j)(i) A description of the plan for assuring that
6 services are provided to the child and foster parents to
7 address the needs of the child while in foster care, which
8 shall include an itemized list of costs to be borne by the
9 parent or caregiver associated with any services or treatment
10 that the parent and child are expected to receive.

11 (k)(j) A written notice to the parent that failure of
12 the parent to substantially comply with the case plan may
13 result in the termination of parental rights, and that a
14 material failure to substantially comply may result in the
15 filing of a petition for termination of parental rights sooner
16 than the compliance periods set forth in the case plan itself.
17 The child protection team shall coordinate its effort with the
18 case staffing committee.

19 (l) In the case of a child for whom the permanency
20 plan is adoption or placement in another permanent home,
21 documentation of the steps the agency is taking to find an
22 adoptive family or other permanent living arrangement for the
23 child, to place the child with an adoptive family, with a fit
24 and willing relative, with a legal guardian, or in another
25 planned permanent living arrangement, and to finalize the
26 adoption or legal guardianship. At a minimum, such
27 documentation shall include child-specific recruitment efforts
28 such as the use of state, regional, and national adoption
29 exchanges, including electronic exchange systems.

30 (4)(5) In the event that the parents, legal
31 custodians, or caregivers are unwilling or unable to

1 participate in the development of a case plan, the department
2 shall document that unwillingness or inability to participate.
3 Such documentation must be provided ~~and provide~~ in writing to
4 the parent, legal custodians, or caregivers when available for
5 the court record, and then the department shall prepare a case
6 plan conforming as nearly as possible with the requirements
7 set forth in this section. The unwillingness or inability of
8 the parents, legal custodians, or caregivers to participate in
9 the development of a case plan shall not in itself bar the
10 filing of a petition for dependency or for termination of
11 parental rights. The parents, legal custodians, or caregivers,
12 if available, must be provided a copy of the case plan and be
13 advised that they may, at any time prior to the filing of a
14 petition for termination of parental rights, enter into a case
15 plan and that they may request judicial review of any
16 provision of the case plan with which they disagree at any
17 court review hearing set for the child.

18 ~~(5)(6)~~ The services delineated in the case plan must
19 be designed to improve the conditions in the family home and
20 aid in maintaining the child in the home, to facilitate the
21 safe return of the child to the family home, or to facilitate
22 the permanent placement of the child. The service intervention
23 must be the least intrusive possible into the life of the
24 family, must focus on clearly defined objectives, and must
25 provide the most efficient path to quick reunification or
26 permanent placement, with the child's health and safety being
27 paramount. To the extent possible, the service intervention
28 must be grounded in outcome evaluation results that
29 demonstrate success in the reunification or permanent
30 placement process. In designing service interventions,
31 generally recognized standards of the professions involved in

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 the process must be taken into consideration.

2 (6) After jurisdiction attaches, all case plans must
3 be filed with the court and a copy provided to the parents,
4 caregivers, or legal custodians of the child, to the
5 representative of the guardian ad litem program if the program
6 has been appointed, and to all other parties, not less than 48
7 hours before the disposition hearing. All such case plans must
8 be approved by the court. The department shall also file with
9 the court all case plans prepared before jurisdiction of the
10 court attached. If the court does not accept the case plan,
11 the court shall require the parties to make necessary
12 modifications to the plan. An amended plan must be submitted
13 to the court for review and approval within 30 days after the
14 hearing on the case plan.

15 ~~39.451 Case planning for children in foster care.--~~

16 ~~(1) In presenting the case plan to the court, the~~
17 ~~purpose of a case plan is to ensure permanency for children~~
18 ~~through recording the actions to be taken by the parties~~
19 ~~involved in order to quickly assure the safe return of the~~
20 ~~child to the parents or, if this is not possible, the~~
21 ~~termination of parental rights and the placement of the child~~
22 ~~with the department or a licensed child-placing agency for the~~
23 ~~purpose of finding a permanent adoptive home. Permanent~~
24 ~~adoptive placement is the primary permanency goal when a child~~
25 ~~is permanently placed with the department or a licensed~~
26 ~~child-placing agency. If it is not possible to find a~~
27 ~~permanent adoptive home, the case plan must record the actions~~
28 ~~taken for preparing the child for alternative permanency goals~~
29 ~~or placements such as long-term foster care or independent~~
30 ~~living.~~

31 (7)(2) The case plan must be limited to as short a

1 period as possible for the accomplishment of its provisions.
2 Unless extended ~~under s. 39.453(8)~~, the plan expires no later
3 than 12 ~~18~~ months after the date the child was initially
4 removed from the home or the date the case plan was accepted
5 by the court, whichever comes first.

6 ~~(8)(3)~~ The case plan must meet applicable federal and
7 state requirements ~~as provided in s. 39.4031.~~

8 ~~(9)(4)~~(a) In each case in which the custody of a child
9 has been vested, either voluntarily or involuntarily, in the
10 department and the child has been placed in out-of-home foster
11 care, a case plan must be prepared within 60 ~~30~~ days after the
12 department removes the child from the home, and shall be
13 submitted to the court before the disposition hearing, with a
14 hearing scheduled for the court to review and accept ~~or modify~~
15 ~~the plan within an additional 30 days.~~ If the preparation of a
16 case plan, in conference with the parents and other pertinent
17 parties, cannot be completed before the disposition hearing
18 ~~accomplished within 30 days~~, for good cause shown, the court
19 may grant an extension not to exceed 30 days and set a hearing
20 to review and accept the case plan.

21 (b) The parent or parents, legal custodians, or
22 caregivers may receive assistance from any person, or social
23 service agency in the preparation of the case plan.

24 (c) The social service agency, the department, and the
25 court, when applicable, shall inform the parent or parents,
26 legal custodians, or caregivers of the right to receive such
27 assistance, including the right to assistance of counsel.

28 ~~(d)(e)~~ Before the signing of the case plan, the
29 authorized agent of the department shall explain it to all
30 persons involved in its implementation, including, when
31 appropriate, the child.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 (e)~~(d)~~ After the case plan has been agreed upon and
2 signed by the parties involved, a copy of the plan must be
3 given immediately to the ~~natural~~ parents, the department or
4 agency, the foster parents or caregivers, the legal custodian,
5 the caregiver, the representative of the guardian ad litem
6 program if the program is appointed, and any other parties
7 identified by the court, including the child, if appropriate.

8 (f)~~(e)~~ The case plan may be amended at any time if all
9 parties are in agreement regarding the revisions to the plan
10 and the plan is submitted to the court with a memorandum of
11 explanation. The case plan may also be amended by the court or
12 upon motion of any party at a hearing, based on competent
13 evidence demonstrating the need for the amendment. A copy of
14 the amended plan must be immediately given to the parties
15 specified in paragraph(e)~~(d)~~.

16 ~~(5) The case plan must be submitted to the court and~~
17 ~~all parties for review and acceptance or modification at least~~
18 ~~72 hours prior to a court hearing. If the court does not~~
19 ~~accept any of the requirements of the case plan, the court~~
20 ~~shall require the parties to make necessary modifications to~~
21 ~~the plan. An amended plan must be submitted to the court for~~
22 ~~review and approval within a time certain specified by the~~
23 ~~court.~~

24 (10)~~(6)~~ A case plan must be prepared, but need not be
25 submitted to the court, for a child who will be in care no
26 longer than 30 days unless that child is placed in out-of-home
27 ~~foster~~ care a second time within a 12-month period.

28 Section 58. Subsections (1), (2), (3), and (4) of
29 section 39.452, Florida Statutes, are renumbered as section
30 39.602, Florida Statutes, and amended to read:

31 39.602 ~~39.452~~ Case planning when parents, legal

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 custodians, or caregivers do not participate and the child is
2 in out-of-home foster care.--

3 (1)~~(a)~~ In the event the parents, legal custodians, or
4 caregivers will not or cannot participate in preparation of a
5 case plan, the department shall submit a full explanation of
6 the circumstances and ~~a plan for the permanent placement of~~
7 ~~the child to the court within 30 days after the child has been~~
8 ~~removed from the home and placed in temporary foster care and~~
9 ~~schedule a court hearing within 30 days after submission of~~
10 ~~the plan to the court to review and accept or modify the plan.~~
11 ~~If preparation cannot be accomplished within 30 days, for good~~
12 ~~cause shown, the court may grant extensions not to exceed 15~~
13 ~~days each for the filing, the granting of which shall be for~~
14 ~~similar reason to that contained in s. 39.451(4)(a).~~

15 ~~(b) In the full explanation of the circumstances~~
16 ~~submitted to the court, the department shall state the nature~~
17 ~~of its efforts to secure such persons'parental participation~~
18 ~~in the preparation of a case plan.~~

19 (2) In a case in which the physical, emotional, or
20 mental condition or physical location of the parent is the
21 basis for the parent's nonparticipation, it is the burden of
22 the department to provide substantial evidence to the court
23 that such condition or location has rendered the parent unable
24 or unwilling to participate in the preparation of a case plan,
25 either pro se or through counsel. The supporting documentation
26 must be submitted to the court at the time the plan is filed.

27 (3) The plan must include, but need not be limited to,
28 the specific services to be provided by the department, the
29 goals and plans for the child, and the time for accomplishing
30 the provisions of the plan and for accomplishing permanence
31 for the child.

1 (4)(a) At least 48 ~~Seventy-two~~ hours prior to the
2 filing of a plan, all parties ~~each parent~~ must be provided
3 with a copy of the plan developed by the department. If the
4 location of one or both parents is unknown, this must be
5 documented in writing and included in the plan submitted to
6 the court. After the filing of the plan, if the location of
7 an absent parent becomes known, that parent must be served
8 with a copy of the plan.

9 (b) Before the filing of the plan, the department
10 shall advise each parent, both orally and in writing, that the
11 failure of the parents to substantially comply with a plan
12 ~~which has reunification as its primary goal~~ may result in the
13 termination of parental rights, but only after notice and
14 hearing as provided in this chapter ~~part VI~~. If, after the
15 plan has been submitted to the court, an absent parent is
16 located, the department shall advise the parent, both orally
17 and in writing, that the failure of the parents to
18 substantially comply with a plan ~~which has reunification as~~
19 ~~its goal~~ may result in termination of parental rights, but
20 only after notice and hearing as provided in this chapter ~~part~~
21 ~~VI~~. Proof of written notification must be filed with the
22 court.

23 Section 59. Subsection (5) of section 39.452, Florida
24 Statutes, is renumbered as section 39.603, Florida Statutes,
25 and amended to read:

26 39.603 ~~39.452~~ Court approvals of case planning when
27 ~~parents do not participate and the child is in foster care.--~~

28 ~~(5)(a) The court shall set a hearing, with notice to~~
29 ~~all parties, on the plan or any provisions of the plan, within~~
30 ~~30 days after the plan has been received by the court. If the~~
31 ~~location of a parent is unknown, the notice must be directed~~

1 ~~to the last permanent address of record.~~

2 ~~(1)(b)~~ At the hearing on the plan, which shall occur
3 in conjunction with the disposition hearing unless otherwise
4 directed by the court, the court shall determine:

5 ~~(a)1-~~ All parties who were notified and are in
6 attendance at the hearing, either in person or through a legal
7 representative. The court shall appoint a guardian ad litem
8 under Rule 1.210, Florida Rules of Civil Procedure, to
9 represent the interests of any parent, if the location of the
10 parent is known but the parent is not present at the hearing
11 and the development of the plan is based upon the physical,
12 emotional, or mental condition or physical location of the
13 parent.

14 ~~(b)2-~~ If the plan is consistent with previous orders
15 of the court placing the child in care.

16 ~~(c)3-~~ If the plan is consistent with the requirements
17 for the content of a plan as specified in this chapter
18 ~~subsection (3).~~

19 ~~(d)4-~~ In involuntary placements, whether each parent
20 was notified of the right to counsel at each stage of the
21 dependency proceedings, in accordance with the Florida Rules
22 of Juvenile Procedure.

23 ~~(e)5-~~ Whether each parent whose location was known was
24 notified of the right to participate in the preparation of a
25 case plan and of the right to receive assistance from any
26 other person in the preparation of the case plan.

27 ~~(f)6-~~ Whether the plan is meaningful and designed to
28 address facts and circumstances upon which the court based the
29 finding of dependency in involuntary placements or the plan is
30 meaningful and designed to address facts and circumstances
31 upon which the child was placed in out-of-home ~~foster~~ care

1 voluntarily.

2 (2)(c) When the court determines any of the elements
3 considered at the hearing related to the plan have not been
4 met, the court shall require the parties to make necessary
5 amendments to the plan. The amended plan must be submitted to
6 the court for review and approval within a time certain
7 specified by the court. A copy of the amended plan must also
8 be provided to each parent, if the location of the parent is
9 known.

10 (3)(d) A parent who has not participated in the
11 development of a case plan must be served with a copy of the
12 plan developed by the department, if the parent can be
13 located, at least 48 ~~72~~ hours prior to the court hearing. Any
14 parent is entitled to, and may seek, a court review of the
15 plan prior to the initial ~~6 months~~ review and must be
16 informed of this right by the department at the time the
17 department serves the parent with a copy of the plan. If the
18 location of an absent parent becomes known to the department,
19 the department shall inform the parent of the right to a court
20 review at the time the department serves the parent with a
21 copy of the case plan.

22 Section 60. Part VIII of chapter 39, Florida Statutes,
23 consisting of sections 39.701, 39.702, 39.703, and 39.704,
24 Florida Statutes, shall be entitled to read:

25 PART VIII

26 JUDICIAL REVIEWS

27 Section 61. Section 39.453, Florida Statutes, is
28 renumbered as section 39.701, Florida Statutes, and amended to
29 read:

30 39.701 ~~39.453~~ Judicial review.--

31 (1)(a) The court shall have continuing jurisdiction in

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 accordance with this section and shall review the status of
2 the child as required by this subsection or more frequently if
3 the court deems it necessary or desirable.

4 (b) The court shall retain jurisdiction over a child
5 returned to its parents, caregivers, or legal guardians for a
6 period of 6 months, but, at that time, based on a report of
7 the social service agency and the guardian ad litem, if one
8 has been appointed, and any other relevant factors, the court
9 shall make a determination as to whether its jurisdiction
10 shall continue or be terminated.

11 ~~(c) After termination of parental rights, the court~~
12 ~~shall retain jurisdiction over any child for whom custody is~~
13 ~~given to a social service agency until the child is adopted.~~
14 ~~The jurisdiction of the court after termination of parental~~
15 ~~rights and custody is given to the agency is for the purpose~~
16 ~~of reviewing the status of the child and the progress being~~
17 ~~made toward permanent adoptive placement. As part of this~~
18 ~~continuing jurisdiction, for good cause shown by the guardian~~
19 ~~ad litem for the child, the court may review the~~
20 ~~appropriateness of the adoptive placement of the child.~~

21 (2)(a) The court shall review the status of the child
22 and shall hold a hearing as provided in this part subsection
23 ~~(7)~~. The court may dispense with the attendance of the child
24 at the hearing, but may not dispense with the hearing or the
25 presence of other parties to the review unless before the
26 review a hearing is held before a citizen review panel.

27 (b) Citizen review panels may be established under s.
28 39.4531 to conduct hearings to a review of the status of a
29 child. The court shall select the cases appropriate for
30 referral to the citizen review panels and may order the
31 attendance of the parties at the review panel hearings.

1 However, any party may object to the referral of a case to a
2 citizen review panel. Whenever such an objection has been
3 filed with the court, the court shall review the substance of
4 the objection and may conduct the review itself or refer the
5 review to a citizen review panel. All parties retain the right
6 to take exception to the findings or recommended orders of a
7 citizen review panel in accordance with Rule 1.490(h), Florida
8 Rules of Civil Procedure.

9 (c) Notice of a hearing by a citizen review panel must
10 be provided as set forth in subsection (5). At the conclusion
11 of a citizen review panel hearing, each party may propose a
12 recommended order to the chairperson of the panel. Thereafter,
13 the citizen review panel shall submit its report, copies of
14 the proposed recommended orders, and a copy of the panel's
15 recommended order to the court. The citizen review panel's
16 recommended order must be limited to the dispositional options
17 available to the court in subsection (8). Each party may file
18 exceptions to the report and recommended order of the citizen
19 review panel in accordance with Rule 1.490, Florida Rules of
20 Civil Procedure.

21 (3)(a) The initial judicial review must be held no
22 later than 90 days after the date of the disposition hearing
23 or after the date of the hearing at which the court approves
24 the case plan, but in no event shall the review be held later
25 than 6 months after the date the child was removed from the
26 home. Citizen review panels shall not conduct more than two
27 consecutive reviews without the child and the parties coming
28 before the court for a judicial review.~~If the child remains~~
29 ~~in shelter or foster care, subsequent judicial reviews must be~~
30 ~~held at least every 6 months after the date of the most recent~~
31 ~~judicial review until the child is 13 years old and has been~~

1 ~~in foster care at least 18 months.~~

2 (b) If the court extends any ~~the~~ case plan beyond 12
3 ~~18~~ months, judicial reviews must be held at least every 6
4 months ~~for children under the age of 13 and at least annually~~
5 ~~for children age 13 and older.~~

6 (c) If the child is placed in the custody of the
7 department or a licensed child-placing agency for the purpose
8 of adoptive placement, judicial reviews must be held at least
9 every 6 months until adoptive placement, to determine the
10 appropriateness of the current placement and the progress made
11 toward adoptive placement.

12 (d) If the department and the court have established a
13 formal agreement that includes specific authorization for
14 particular cases, the department may conduct administrative
15 reviews instead of the judicial reviews for children in
16 out-of-home ~~foster~~ care. Notices of such administrative
17 reviews must be provided to all parties. However, an
18 administrative review may not be substituted for the first
19 judicial review, and in every case the court must conduct a
20 judicial review at least every 6 ~~12~~ months. Any party
21 dissatisfied with the results of an administrative review may
22 petition for a judicial review.

23 (e) The clerk of the circuit court shall schedule
24 judicial review hearings in order to comply with the mandated
25 times cited in this section ~~paragraphs (a)-(d).~~

26 (f) In each case in which a child has been voluntarily
27 placed with the licensed child-placing agency, the agency
28 shall notify the clerk of the court in the circuit where the
29 child resides of such placement within 5 working days.
30 Notification of the court is not required for any child who
31 will be in out-of-home ~~foster~~ care no longer than 30 days

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 unless that child is placed in out-of-home foster care a
2 second time within a 12-month period. If the child is returned
3 to the custody of the parents, caregiver, or legal custodian
4 ~~or guardian~~ before the scheduled review hearing or if the
5 child is placed for adoption, the child-placing agency shall
6 notify the court of the child's return or placement within 5
7 working days, and the clerk of the court shall cancel the
8 review hearing.

9 (4) The court shall schedule the date, time, and
10 location of the next judicial review in the judicial review
11 order. ~~The social service agency shall file a petition for~~
12 ~~review with the court within 10 calendar days after the~~
13 ~~judicial review hearing. The petition must include a statement~~
14 ~~of the dispositional alternatives available to the court. The~~
15 ~~petition must accompany the notice of the hearing served upon~~
16 ~~persons specified in subsection (5).~~

17 (5) Notice of a judicial review hearing or a citizen
18 review panel ~~the hearing,~~ and a copy of the motion for
19 judicial review ~~petition~~, including a statement of the
20 dispositional alternatives available to the court, must be
21 served by the court upon:

22 (a) The social service agency charged with the
23 supervision of care, custody, or guardianship of the child, if
24 that agency is not the movant petitioner.

25 (b) The foster parent or parents or caregivers
26 ~~caretakers~~ in whose home the child resides.

27 (c) The parent, caregiver, or legal custodian
28 ~~guardian, or relative~~ from whom the care and custody of the
29 child have been transferred.

30 (d) The guardian ad litem for the child, or the
31 representative of the guardian ad litem program if the program

1 ~~one~~ has been appointed.

2 (e) Any preadoptive parent.

3 (f)~~(e)~~ Such other persons as the court may in its
4 discretion direct.

5 (6)(a) Prior to every judicial review hearing or
6 citizen review panel hearing, the social service agency shall
7 make an investigation and social study concerning all
8 pertinent details relating to the child and shall furnish to
9 the court or citizen review panel a written report that
10 includes, but is not limited to:

11 1. A description of the type of placement the child is
12 in at the time of the hearing, including the safety of the
13 child and the continuing necessity for and appropriateness of
14 the placement.

15 2. Documentation of the diligent efforts made by all
16 parties to the case plan to comply with each applicable
17 provision of the plan.

18 3. The amount of fees assessed and collected during
19 the period of time being reported.

20 4. The services provided to the foster family or
21 caregivers ~~caretakers~~ in an effort to address the needs of the
22 child as indicated in the case plan.

23 5. A statement that ~~concerning whether~~ the parent or
24 legal custodian ~~guardian~~, though able to do so, did not comply
25 substantially with the provisions of the case plan and the
26 agency recommendations or a statement that the parent or legal
27 custodian ~~guardian~~ did substantially comply with such
28 provisions.

29 6. A statement from the foster parent or parents or
30 caregivers ~~caretakers~~ providing any material evidence
31 concerning the return of the child to the parent or parents or

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 legal custodians.

2 7. A statement concerning the frequency, duration, and
3 results of the parent-child visitation, if any, and the agency
4 recommendations for an expansion or restriction of future
5 visitation.

6 8. The number of times a child has been removed from
7 his or her home and placed elsewhere, the number and types of
8 placements that have occurred, and the reason for the changes
9 in placement.

10 9. The number of times a child's educational placement
11 has been changed, the number and types of educational
12 placements which have occurred, and the reason for any change
13 in placement.

14 (b) A copy of the social service agency's written
15 report must be provided to the attorney of record of the
16 parent, parents, or legal custodians ~~guardian~~; to the parent,
17 parents, or legal custodians ~~guardian~~; to the foster parents
18 or caregivers ~~caretakers~~; to each citizen review panel
19 ~~established under s. 39.4531~~; and to the guardian ad litem for
20 the child, or the representative of the guardian ad litem
21 program if the program ~~one~~ has been appointed by the court, at
22 least 48 hours before the judicial review hearing, or citizen
23 review panel hearing ~~if such a panel has been established~~
24 ~~under s. 39.4531~~. The requirement for providing parents or
25 legal custodians ~~guardians~~ with a copy of the written report
26 does not apply to those parents or legal custodians ~~guardians~~
27 who have voluntarily surrendered their child for adoption.

28 (c) In a case in which the child has been permanently
29 placed with the social service agency, the agency shall
30 furnish to the court a written report concerning the progress
31 being made to place the child for adoption. ~~If, as stated in~~

1 ~~s. 39.451(1)~~, the child cannot be placed for adoption, a
2 report on the progress made by the child in alternative
3 permanency goals or placements, including, but not limited to,
4 long-term foster care, independent living, custody to a
5 relative or caregiver ~~adult nonrelative~~ approved by the court
6 on a permanent basis with or without legal guardianship, or
7 custody to a foster parent or caregiver on a permanent basis
8 with or without legal guardianship, must be submitted to the
9 court. The report must be submitted to the court at least 48
10 hours before each scheduled judicial review.

11 (d) In addition to or in lieu of any written statement
12 provided to the court, the foster parent or caregivers, or any
13 preadoptive parent, caretakers shall be given the opportunity
14 to address the court with any information relevant to the best
15 interests of the child at any judicial review hearing.

16 (7) The court, and any citizen review panel
17 ~~established under s. 39.4531~~, shall take into consideration
18 the information contained in the social services study and
19 investigation and all medical, psychological, and educational
20 records that support the terms of the case plan; testimony by
21 the social services agency, the parent or legal custodian
22 guardian, the foster parent or caregivers ~~caretakers~~, the
23 guardian ad litem if one has been appointed for the child, and
24 any other person deemed appropriate; and any relevant and
25 material evidence submitted to the court, including written
26 and oral reports to the extent of their probative value. In
27 its deliberations, the court, and any citizen review panel
28 ~~established under s. 39.4531~~, shall seek to determine:

29 (a) If the parent or legal custodian ~~guardian~~ was
30 advised of the right to receive assistance from any person or
31 social service agency in the preparation of the case plan.

1 (b) If the parent or legal custodian ~~guardian~~ has been
2 advised of the right to have counsel present at the judicial
3 review or citizen review hearings. If not so advised, the
4 court or citizen review panel shall advise the parent or legal
5 custodian ~~guardian~~ of such right.

6 (c) If a guardian ad litem needs to be appointed for
7 the child in a case in which a guardian ad litem has not
8 previously been appointed or if there is a need to continue a
9 guardian ad litem in a case in which a guardian ad litem has
10 been appointed.

11 (d) The compliance or lack of compliance of all
12 parties with applicable items of the case plan, including the
13 parents' compliance with child support orders.

14 (e) The compliance or lack of compliance with a
15 visitation contract between the parent, caregiver, or legal
16 custodian ~~or guardian~~ and the social service agency for
17 contact with the child, including the frequency, duration, and
18 results of the parent-child visitation and the reason for any
19 noncompliance.

20 (f) The compliance or lack of compliance of the
21 parent, caregiver, or legal custodian ~~or guardian~~ in meeting
22 specified financial obligations pertaining to the care of the
23 child, including the reason for failure to comply if such is
24 the case.

25 (g) The appropriateness of the child's current
26 placement, including whether the child is in a setting which
27 is as family-like and as close to the parent's home as
28 possible, consistent with the child's best interests and
29 special needs, and including maintaining stability in the
30 child's educational placement.

31 (h) A projected date likely for the child's return

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 home or other permanent placement.

2 (i) When appropriate, the basis for the unwillingness
3 or inability of the parent, caregiver, or legal custodian ~~or~~
4 ~~guardian~~ to become a party to a case plan. The court and the
5 citizen review panel shall determine if ~~the nature of the~~
6 ~~location or the condition of the parent and~~ the efforts of the
7 social service agency to secure party ~~parental~~ participation
8 in a case plan were sufficient.

9 (8)(a) Based upon the criteria set forth in subsection
10 (7) and the recommended order of the citizen review panel, if
11 any ~~established under s. 39.4531~~, the court shall determine
12 whether or not the social service agency shall initiate
13 proceedings to have a child declared a dependent child, return
14 the child to the parent, legal custodian, or caregiver,
15 continue the child in out-of-home ~~foster~~ care for a specified
16 period of time, or initiate termination of parental rights
17 proceedings for subsequent placement in an adoptive home.
18 Modifications to the plan must be handled as prescribed in s.
19 39.601 ~~39.451~~. If the court finds that the prevention or
20 reunification efforts of the department will allow the child
21 to remain safely at home or be safely returned to the home,
22 the court shall allow the child to remain in or return to the
23 home after making a specific finding of fact that the reasons
24 for removal have been remedied to the extent that the child's
25 safety, and well-being, and physical, mental, and emotional
26 health will not be endangered.

27 (b) The court shall return the child to the custody of
28 the parents, legal custodians, or caregivers at any time it
29 determines that they have substantially complied with the
30 plan, if the court is satisfied that reunification will not be
31 detrimental to the child's safety, and well-being, and

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 physical, mental, and emotional health.

2 (c) If, in the opinion of the court, the social
3 service agency has not complied with its obligations as
4 specified in the written case plan, the court may find the
5 social service agency in contempt, shall order the social
6 service agency to submit its plans for compliance with the
7 agreement, and shall require the social service agency to show
8 why the child could ~~should~~ safely be returned ~~immediately~~
9 to the home of the parents, legal custodians, or caregivers ~~or~~
10 ~~legal guardian.~~

11 (d) The court may extend the time limitation of the
12 case plan, or may modify the terms of the plan, based upon
13 information provided by the social service agency, and the
14 guardian ad litem, if one has been appointed, ~~the natural~~
15 parent or parents, and the foster parents, and any other
16 competent information on record demonstrating the need for the
17 amendment. If the court extends the time limitation of the
18 case plan, the court must make specific findings concerning
19 the frequency of past parent-child visitation, if any, and the
20 court may authorize the expansion or restriction of future
21 visitation. Modifications to the plan must be handled as
22 prescribed in s. 39.601 ~~39.451~~. Any extension of a case plan
23 must comply with the time requirements and other requirements
24 specified by this chapter ~~part~~.

25 (e) If, at any judicial review, the court finds that
26 the parents have failed to substantially comply with the case
27 plan to the degree that further reunification efforts are
28 without merit and not in the best interest of the child, it
29 may authorize the filing of a petition for termination of
30 parental rights, whether or not the time period as contained
31 in the case plan for substantial compliance has elapsed.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 (f) No later than 12 months after the date that the
 2 child was placed in shelter care, the court shall conduct a
 3 judicial review. At this hearing, if the child is not returned
 4 to the physical custody of the parents, caregivers, or legal
 5 custodians, the case plan may be extended with the same goals
 6 only if the court finds that the situation of the child is so
 7 extraordinary that the plan should be extended. The case plan
 8 must document steps the department is taking to find an
 9 adoptive parent or other permanent living arrangement for the
 10 child.~~If, at the time of the 18-month judicial review or~~
 11 ~~citizen review, the child is not returned to the physical~~
 12 ~~custody of the natural parents, the case plan may be extended~~
 13 ~~only if, at the time of the judicial review or citizen review,~~
 14 ~~the court finds that the situation of the child is so~~
 15 ~~extraordinary that the plan should be extended. The extension~~
 16 ~~must be in accordance with subsection (3).~~

17 (g) The court may issue a protective order in
 18 assistance, or as a condition, of any other order made under
 19 this part. In addition to the requirements included in the
 20 case plan, the protective order may set forth requirements
 21 relating to reasonable conditions of behavior to be observed
 22 for a specified period of time by a person or agency who is
 23 before the court; and such order may require any such person
 24 or agency to make periodic reports to the court containing
 25 such information as the court in its discretion may prescribe.

26 Section 62. Section 39.4531, Florida Statutes, is
 27 renumbered as section 39.702, Florida Statutes, and amended to
 28 read:

29 39.702 ~~39.4531~~ Citizen review panels.--

30 (1) Citizen review panels may be established in each
 31 judicial circuit and shall be authorized by an administrative

1 order executed by the chief judge of each circuit. The court
2 shall administer an oath of office to each citizen review
3 panel member which shall authorize the panel member to
4 participate in citizen review panels and make recommendations
5 to the court pursuant to the provisions of this section.

6 (2) Citizen review panels shall be administered by an
7 independent not-for-profit agency. For the purpose of this
8 section, an organization that has filed for nonprofit status
9 under the provisions of s. 501(c)(3) of the United States
10 Internal Revenue Code is an independent not-for-profit agency
11 for a period of 1 year after the date of filing. At the end
12 of that 1-year period, in order to continue conducting citizen
13 reviews, the organization must have qualified for nonprofit
14 status under s. 501(c)(3) of the United States Internal
15 Revenue Code and must submit to the chief judge of the circuit
16 court a consumer's certificate of exemption that was issued to
17 the organization by the Florida Department of Revenue and a
18 report of the organization's progress. If the agency has not
19 qualified for nonprofit status, the court must rescind its
20 administrative order that authorizes the agency to conduct
21 citizen reviews. All independent not-for-profit agencies
22 conducting citizen reviews must submit citizen review annual
23 reports to the court.

24 (3) For the purpose of this section, a citizen review
25 panel shall be composed of five volunteer members and shall
26 conform with the requirements of this chapter ~~section~~. The
27 presence of three members at a panel hearing shall constitute
28 a quorum. Panel members shall serve without compensation.

29 ~~(4)~~(3) Based on the information provided to each
30 citizen review panel pursuant to s. 39.701 ~~39.453~~, each
31 citizen review panel shall provide the court with a report and

1 recommendations regarding the placement and dispositional
2 alternatives the court shall consider before issuing a
3 judicial review order.

4 (5)(4) ~~The An~~ independent not-for-profit agency
5 authorized to administer each citizen review panel shall:

6 (a) In collaboration with the department, develop
7 policies to assure that citizen review panels comply with all
8 applicable state and federal laws.

9 (b) Establish policies for the recruitment, selection,
10 retention, and terms of volunteer panel members. Final
11 selection of citizen review panel members shall, to the extent
12 possible, reflect the multicultural composition of the
13 community which they serve. A criminal background check and
14 personal reference check shall be conducted on each citizen
15 review panel member prior to the member serving on a citizen
16 review panel.

17 (c) In collaboration with the department, develop,
18 implement, and maintain a training program for citizen review
19 volunteers and provide training for each panel member prior to
20 that member serving on a review panel. Such training may
21 include, but shall not be limited to, instruction on
22 dependency laws, departmental policies, and judicial
23 procedures.

24 (d) Ensure that all citizen review panel members have
25 read, understood, and signed an oath of confidentiality
26 relating to ~~the citizen review hearings and~~ written or verbal
27 information provided to the panel members for review hearings.

28 (e) Establish policies to avoid actual or perceived
29 conflicts of interest by panel members during the review
30 process and to ensure accurate, fair reviews of each child
31 dependency case.

1 (f) Establish policies to ensure ongoing communication
2 with the department and the court.

3 (g) Establish policies to ensure adequate
4 communication with the parent, caregiver, or legal custodian
5 ~~or guardian~~, the foster parent or caregiver, the guardian ad
6 litem, and any other person deemed appropriate.

7 (h) Establish procedures that encourage attendance and
8 participation of interested persons and parties, including the
9 biological parents, foster parents or caregivers, or a
10 relative or nonrelative with whom the child is placed, at
11 citizen review hearings.

12 (i) Coordinate with existing citizen review panels to
13 ensure consistency of operating procedures, data collection,
14 ~~and analysis,~~ and report generation.

15 (j) Make recommendations as necessary to the court
16 concerning attendance of essential persons at the review and
17 other issues pertinent to an effective review process.

18 (k) Ensure consistent methods of identifying barriers
19 to the permanent placement of the child and delineation of
20 findings and recommendations to the court.

21 ~~(6)(5)~~ The department and agents of the department
22 shall submit information to the citizen review panel when
23 requested and shall address questions asked by the citizen
24 review panel to identify barriers to the permanent placement
25 of each child.

26 Section 63. Section 39.454, Florida Statutes, is
27 renumbered as section 39.703, Florida Statutes, and amended to
28 read:

29 39.703 ~~39.454~~ Initiation of termination of parental
30 rights proceedings.--

31 (1) If, in preparation for any judicial review hearing

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 under this chapter part, it is the opinion of the social
2 service agency that the parents ~~or legal guardian~~ of the child
3 have not complied with their responsibilities as specified in
4 the written case plan although able to do so, the social
5 service agency shall state its intent to initiate proceedings
6 to terminate parental rights, unless the social service agency
7 can demonstrate to the court that such a recommendation would
8 not be in the child's best interests. If it is the intent of
9 the department or licensed child-placing agency to initiate
10 proceedings to terminate parental rights, the department or
11 licensed child-placing agency shall file a petition for
12 termination of parental rights no later than 3 months after
13 the date of the previous judicial review hearing. If the
14 petition cannot be filed within 3 months, the department or
15 licensed child-placing agency shall provide a written report
16 to the court outlining the reasons for delay, the progress
17 made in the termination of parental rights process, and the
18 anticipated date of completion of the process.

19 (2) If, at the time of the 12-month ~~18-month~~ judicial
20 review hearing, a child is not returned to the physical
21 custody of the ~~natural~~ parents, caregivers, or legal
22 custodians, the social service agency shall initiate
23 termination of parental rights proceedings under ~~part VI of~~
24 this chapter within 30 days. Only if the court finds that the
25 situation of the child is so extraordinary and that the best
26 interests of the child will be met by such action at the time
27 of the judicial review may the case plan be extended. If the
28 court decides to extend the plan, the court shall enter
29 detailed findings justifying the decision to extend, as well
30 as the length of the extension. A termination of parental
31 rights petition need not be filed if: the child is being

1 cared for by a relative who chooses not to adopt the child;
 2 the court determines that filing such a petition would not be
 3 in the best interests of the child; or the state has not
 4 provided the child's family, when reasonable efforts to return
 5 a child are required, consistent with the time period in the
 6 state's case plan, such services as the state deems necessary
 7 for the safe return of the child to his or her home. Failure
 8 to initiate termination of parental rights proceedings at the
 9 time of the 12-month ~~18-month~~ judicial review or within 30
 10 days after such review does not prohibit initiating
 11 termination of parental rights proceedings at any other time.

12 Section 64. Section 39.456, Florida Statutes, is
 13 renumbered as section 39.704, Florida Statutes, and amended to
 14 read:

15 39.704 ~~39.456~~ Exemptions from judicial
 16 review. --Judicial review ~~This part~~ does not apply to:

17 (1) Minors who have been placed in adoptive homes by
 18 the department or by a licensed child-placing agency; or

19 (2) Minors who are refugees or entrants to whom
 20 federal regulations apply and who are in the care of a social
 21 service agency. ~~7 or~~

22 ~~(3) Minors who are the subjects of termination of~~
 23 ~~parental rights cases pursuant to s. 39.464.~~

24 Section 65. Part IX of chapter 39, Florida Statutes,
 25 consisting of sections 39.801, 39.802, 39.803, 39.804, 39.805,
 26 39.806, 39.807, 39.808, 39.809, 39.810, 39.811, 39.812,
 27 39.813, 39.814, 39.815, 39.816, and 39.817, Florida Statutes,
 28 shall be entitled to read:

29 PART IX

30 TERMINATION OF PARENTAL RIGHTS

31 Section 66. Sections 39.46 and 39.462, Florida

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 Statutes, are renumbered as section 39.801, Florida Statutes,
2 and amended to read:

3 39.801 ~~39.46~~ Procedures and jurisdiction; notice;
4 service of process.--

5 (1) All procedures, including petitions, pleadings,
6 subpoenas, summonses, and hearings, in termination of parental
7 rights proceedings shall be according to the Florida Rules of
8 Juvenile Procedure unless otherwise provided by law.

9 (2) The circuit court shall have exclusive original
10 jurisdiction of a proceeding involving termination of parental
11 rights.

12 ~~39.462 Process and services.~~--

13 (3)(1) Before the court may terminate parental rights,
14 in addition to the other requirements set forth in this part,
15 the following requirements must be met:

16 (a) Notice of the date, time, and place of the
17 advisory hearing for the petition to terminate parental rights
18 and a copy of the petition must be personally served upon the
19 following persons, specifically notifying them that a petition
20 has been filed:

21 1. The parents of the child.

22 2. The caregivers or legal custodians ~~or guardian~~ of
23 the child.

24 3. If the parents who would be entitled to notice are
25 dead or unknown, a living relative of the child, unless upon
26 diligent search and inquiry no such relative can be found.

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

28 5. Any grandparent entitled to priority for adoption
29 under s. 63.0425.

30 6. Any prospective parent who has been identified
31 under s. 39.503 or s. 39.803 ~~s. 39.4051 or s. 39.4625.~~

1 7. The guardian ad litem for the child or the
2 representative of the guardian ad litem program, if the
3 program ~~one~~ has been appointed.

4
5 The document containing the notice to respond or appear must
6 contain, in type at least as large as the type in the balance
7 of the document, the following or substantially similar
8 language: "FAILURE TO PERSONALLY RESPOND TO THIS NOTICE OR TO
9 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
10 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR THESE
11 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 ~~respond or~~ appear at the advisory hearing,
26 the failure to ~~respond or~~ appear shall constitute consent for
27 termination of parental rights by the person given notice.

28 ~~(4)~~(2) 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

1 tangible objects at any hearing.

2 ~~(5)(3)~~ All process and orders issued by the court must
3 be served or executed as other process and orders of the
4 circuit court and, in addition, may be served or executed by
5 authorized agents of the department or the guardian ad litem.

6 ~~(6)(4)~~ 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)(5)~~ A fee may not be paid for service of any
10 process or other papers by an agent of the department or the
11 guardian ad litem. If any process, orders, or other papers are
12 served or executed by any sheriff, the sheriff's fees must be
13 paid by the county.

14 Section 67. Sections 39.461 and 39.4611, Florida
15 Statutes, are renumbered as section 39.802, Florida Statutes,
16 and amended to 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

1 before the court for an advisory hearing.

2 ~~39.4611 Elements of petition for termination of~~
3 ~~parental rights.~~

4 (4)(1) A petition for termination of parental rights
5 filed under this chapter must contain facts supporting the
6 following allegations:

7 (a) That at least one of the grounds listed in s.
8 39.806 ~~39.464~~ has been met.

9 (b) That the parents of the child were informed of
10 their right to counsel at all hearings that they attend and
11 that a dispositional order adjudicating the child dependent
12 was entered in any prior dependency proceeding relied upon in
13 offering a parent a case plan as described in s. 39.806
14 ~~39.464~~.

15 (c) That the manifest best interests of the child, in
16 accordance with s. 39.810 ~~39.4612~~, would be served by the
17 granting of the petition.

18 (5)(2) When a petition for termination of parental
19 rights is filed under s. 39.806(1) ~~39.464(1)~~, a separate
20 petition for dependency need not be filed and the department
21 need not offer the parents a case plan with a goal of
22 reunification, but may instead file with the court a case plan
23 with a goal of termination of parental rights to allow
24 continuation of services until the termination is granted or
25 until further orders of the court are issued.

26 (6)(3) The fact that a child has been previously
27 adjudicated dependent as alleged in a petition for termination
28 of parental rights may be proved by the introduction of a
29 certified copy of the order of adjudication or the order of
30 disposition of dependency.

31 (7)(4) The fact that the parent of a child was

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 informed of the right to counsel in any prior dependency
2 proceeding as alleged in a petition for termination of
3 parental rights may be proved by the introduction of a
4 certified copy of the order of adjudication or the order of
5 disposition of dependency containing a finding of fact that
6 the parent was so advised.

7 (8)~~(5)~~ Whenever the department has entered into a case
8 plan with a parent with the goal of reunification, and a
9 petition for termination of parental rights based on the same
10 facts as are covered in the case plan is filed prior to the
11 time agreed upon in the case plan for the performance of the
12 case plan, the petitioner must allege and prove by clear and
13 convincing evidence that the parent has materially breached
14 the provisions of the case plan.

15 Section 68. Section 39.803, Florida Statutes, is
16 created to read:

17 39.803 Identity or location of parent unknown after
18 filing of termination of parental rights petition; special
19 procedures.--

20 (1) If the identity or location of a parent is unknown
21 and a petition for termination of parental rights is filed,
22 the court shall conduct the following inquiry of the parent
23 who is available, or, if no parent is available, of any
24 relative, caregiver, or legal custodian of the child who is
25 present at the hearing and likely to have the information:

26 (a) Whether the mother of the child was married at the
27 probable time of conception of the child or at the time of
28 birth of the child.

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

31 (c) Whether the mother has received payments or

1 promises of support with respect to the child or because of
2 her pregnancy from a man who claims to be the father.

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

6 (e) Whether any man has acknowledged or claimed
7 paternity of the child in a jurisdiction in which the mother
8 resided at the time of or since conception of the child, or in
9 which the child has resided or resides.

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

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

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

19 (5) If the inquiry under subsection (1) identifies a
20 parent or prospective parent, and that person's location is
21 unknown, the court shall direct the department to conduct a
22 diligent search for that person before scheduling an
23 adjudicatory hearing regarding the dependency of the child
24 unless the court finds that the best interest of the child
25 requires proceeding without actual notice to the person whose
26 location is unknown.

27 (6) The diligent search required by subsection (5)
28 must include, at a minimum, inquiries of all known relatives
29 of the parent or prospective parent, inquiries of all offices
30 of program areas of the department likely to have information
31 about the parent or prospective parent, inquiries of other

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 state and federal agencies likely to have information about
2 the parent or prospective parent, inquiries of appropriate
3 utility and postal providers, and inquiries of appropriate law
4 enforcement agencies.

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

9 (8) If the inquiry and diligent search identifies a
10 prospective parent, that person must be given the opportunity
11 to become a party to the proceedings by completing a sworn
12 affidavit of parenthood and filing it with the court or the
13 department. A prospective parent who files a sworn affidavit
14 of parenthood while the child is a dependent child but no
15 later than at the time of or prior to the adjudicatory hearing
16 in the termination of parental rights proceeding for the child
17 shall be considered a parent for all purposes under this
18 section.

19 Section 69. Section 39.4627, Florida Statutes, is
20 renumbered as section 39.804, Florida Statutes.

21 Section 70. Section 39.463, Florida Statutes, is
22 renumbered as section 39.805, Florida Statutes, and amended to
23 read:

24 39.805 ~~39.463~~ No answer required.--No answer to the
25 petition or any other pleading need be filed by any child,
26 parent, caregiver, or legal custodian, but any matters which
27 might be set forth in an answer or other pleading may be
28 pleaded orally before the court or filed in writing as any
29 such person may choose. Notwithstanding the filing of any
30 answer or any pleading, the child or parent shall, prior to
31 the adjudicatory hearing, be advised by the court of the right

1 to counsel and shall be given an opportunity to deny the
2 allegations in the petition for termination of parental rights
3 or to enter a plea to allegations in the petition before the
4 court.

5 Section 71. Section 39.464, Florida Statutes, as
6 amended by chapter 97-276, Laws of Florida, is renumbered as
7 section 39.806, Florida Statutes, and amended to read:

8 39.806 ~~39.464~~ Grounds for termination of parental
9 rights.--

10 (1) The department, the guardian ad litem, a licensed
11 child-placing agency, or any person who has knowledge of the
12 facts alleged or who is informed of said facts and believes
13 that they are true, may petition for the termination of
14 parental rights under any of the following circumstances:

15 (a) When the parent or parents voluntarily executed a
16 written surrender of the child and consented to the entry of
17 an order giving custody of the child to the department or to a
18 licensed child-placing agency for subsequent adoption and the
19 department or licensed child-placing agency is willing to
20 accept custody of the child.

21 1. The surrender document must be executed before two
22 witnesses and a notary public or other person authorized to
23 take acknowledgments.

24 2. The surrender and consent may be withdrawn after
25 acceptance by the department or licensed child-placing agency
26 only after a finding by the court that the surrender and
27 consent were obtained by fraud or duress.

28 (b) When the identity or location of the parent or
29 parents is unknown and, ~~if the court requires a diligent~~
30 ~~search pursuant to s. 39.4625,~~ cannot be ascertained by
31 diligent search ~~as provided in s. 39.4625~~ within 90 days.

1 (c) When the parent or parents engaged in conduct
2 toward the child or toward other children that demonstrates
3 that the continuing involvement of the parent or parents in
4 the parent-child relationship threatens the life, safety or
5 well-being, or physical, mental, or emotional health of the
6 child irrespective of the provision of services. Provision of
7 services may be ~~is~~ evidenced by proof that services were
8 provided through a previous plan or offered as a case plan
9 from a child welfare agency.

10 (d) When the parent of a child is incarcerated in a
11 state or federal correctional institution and:

12 1. The period of time for which the parent is expected
13 to be incarcerated will constitute a substantial portion of
14 the period of time before the child will attain the age of 18
15 years;

16 2. The incarcerated parent has been determined by the
17 court to be a violent career criminal as defined in s.
18 775.084, a habitual violent felony offender as defined in s.
19 775.084, or a sexual predator as defined in s. 775.21; has
20 been convicted of first degree or second degree murder in
21 violation of s. 782.04 or a sexual battery that constitutes a
22 capital, life, or first degree felony violation of s. 794.011;
23 or has been convicted of an offense in another jurisdiction
24 which is substantially similar to one of the offenses listed
25 in this paragraph. As used in this section, the term
26 "substantially similar offense" means any offense that is
27 substantially similar in elements and penalties to one of
28 those listed in this paragraph, and that is in violation of a
29 law of any other jurisdiction, whether that of another state,
30 the District of Columbia, the United States or any possession
31 or territory thereof, or any foreign jurisdiction; and

1 3. The court determines by clear and convincing
2 evidence that continuing the parental relationship with the
3 incarcerated parent would be harmful to the child and, for
4 this reason, that termination of the parental rights of the
5 incarcerated parent is in the best interest of the child.

6 ~~(e)(f)~~ A petition for termination of parental rights
7 may also be filed when a child has been adjudicated dependent,
8 a case plan has been filed with the court, and the child
9 continues to be abused, neglected, or abandoned by the
10 parents. In this case, the failure of the parents to
11 substantially comply for a period of 12 months after an
12 adjudication of the child as a dependent child constitutes
13 evidence of continuing abuse, neglect, or abandonment unless
14 the failure to substantially comply with the case plan was due
15 either to the lack of financial resources of the parents or to
16 the failure of the department to make reasonable efforts to
17 reunify the family. Such 12-month period may begin to run only
18 after the entry of a disposition order placing the custody of
19 the child with the department or a person other than the
20 parent and the approval by ~~subsequent filing with~~ the court of
21 a case plan with a goal of reunification with the parent.

22 ~~(f)(e)~~ When the parent or parents engaged in egregious
23 conduct or had the opportunity and capability to prevent and
24 knowingly failed to prevent egregious conduct that threatens
25 the life, safety, or physical, mental, or emotional health
26 ~~that endangers the life, health, or safety~~ of the child or the
27 child's sibling ~~or had the opportunity and capability to~~
28 ~~prevent egregious conduct that threatened the life, health, or~~
29 ~~safety of the child or the child's sibling and knowingly~~
30 ~~failed to do so.~~

31 1. As used in this subsection, the term "sibling"

1 means another child who resides with or is cared for by the
2 parent or parents regardless of whether the child is related
3 legally or by consanguinity.

4 2. As used in this subsection, the term "egregious
5 conduct abuse" means abuse, abandonment, neglect, or any other
6 conduct of the parent or parents that is deplorable, flagrant,
7 or outrageous by a normal standard of conduct. Egregious
8 conduct abuse may include an act or omission that occurred
9 only once but was of such intensity, magnitude, or severity as
10 to endanger the life of the child.

11 (g) When the parent or parents have subjected the
12 child to aggravated child abuse as defined in s. 827.03,
13 sexual battery or sexual abuse as defined in s. 39.01, or
14 chronic abuse.

15 (h) When the parent or parents have committed murder
16 or voluntary manslaughter of another child of the parent, or a
17 felony assault that results in serious bodily injury to the
18 child or another child of the parent, or aided or abetted,
19 attempted, conspired, or solicited to commit such a murder or
20 voluntary manslaughter or felony assault.

21 (i) When the parental rights of the parent to a
22 sibling have been terminated involuntarily.

23 (2) Reasonable efforts to preserve and reunify
24 families shall not be required if a court of competent
25 jurisdiction has determined that any of the events described
26 in paragraphs (1)(e)-(i) have occurred.

27 ~~(3)~~(2) When a petition for termination of parental
28 rights is filed under subsection (1), a separate petition for
29 dependency need not be filed and the department need not offer
30 the parents a case plan with a goal of reunification, but may
31 instead file with the court a case plan with a goal of

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 termination of parental rights to allow continuation of
 2 services until the termination is granted or until further
 3 orders of the court are issued.

4 (4) When an expedited termination of parental rights
 5 petition is filed, reasonable efforts shall be made to place
 6 the child in a timely manner in accordance with the permanency
 7 plan, and to complete whatever steps are necessary to finalize
 8 the permanent placement of the child.

9 Section 72. Section 39.465, Florida Statutes, is
 10 renumbered as section 39.807, Florida Statutes, and amended to
 11 read:

12 39.807 ~~39.465~~ Right to counsel; guardian ad litem.--

13 (1)(a) At each stage of the proceeding under this
 14 part, the court shall advise the parent, ~~guardian, or~~
 15 ~~custodian~~ of the right to have counsel present. The court
 16 shall appoint counsel for indigent ~~insolvent~~ persons. The
 17 court shall ascertain whether the right to counsel is
 18 understood and, where appropriate, is knowingly and
 19 intelligently waived. The court shall enter its findings in
 20 writing with respect to the appointment or waiver of counsel
 21 for indigent ~~insolvent~~ parties.

22 (b) Once counsel has been retained or, in appropriate
 23 circumstances, appointed to represent the parent of the child,
 24 the attorney shall continue to represent the parent throughout
 25 the proceedings or until the court has approved discontinuing
 26 the attorney-client relationship. If the attorney-client
 27 relationship is discontinued, the court shall advise the
 28 parent of the right to have new counsel retained or appointed
 29 for the remainder of the proceedings.

30 (c)~~(b)~~1. No waiver of counsel may be accepted if it
 31 appears that the parent, ~~guardian, or custodian~~ is unable to

1 make an intelligent and understanding choice because of mental
2 condition, age, education, experience, the nature or
3 complexity of the case, or other factors.

4 2. A waiver of counsel made in court must be of
5 record. A waiver made out of court must be in writing with not
6 less than two attesting witnesses and must be filed with the
7 court. The witnesses shall attest to the voluntary execution
8 of the waiver.

9 3. If a waiver of counsel is accepted at any stage of
10 the proceedings, the offer of assistance of counsel must be
11 renewed by the court at each subsequent stage of the
12 proceedings at which the parent, ~~guardian, or custodian~~
13 appears without counsel.

14 (d)~~(c)~~ This subsection does not apply to any parent
15 who has voluntarily executed a written surrender of the child
16 and consent to the entry of a court order therefor and who
17 does not deny the allegations of the petition.

18 (2)(a) The court shall appoint a guardian ad litem to
19 represent the child in any termination of parental rights
20 proceedings and shall ascertain at each stage of the
21 proceedings whether a guardian ad litem has been appointed.

22 (b) The guardian ad litem has the following
23 responsibilities:

24 1. To investigate the allegations of the petition and
25 any subsequent matters arising in the case and, unless excused
26 by the court, to file a written report. This report must
27 include a statement of the wishes of the child and the
28 recommendations of the guardian ad litem and must be provided
29 to all parties and the court at least 48 hours before the
30 disposition hearing.

31 2. To be present at all court hearings unless excused

1 by the court.

2 3. To represent the interests of the child until the
3 jurisdiction of the court over the child terminates or until
4 excused by the court.

5 ~~4. To perform such other duties and undertake such~~
6 ~~other responsibilities as the court may direct.~~

7 (c) A guardian ad litem is not required to post bond
8 but shall file an acceptance of the office.

9 (d) A guardian ad litem is entitled to receive service
10 of pleadings and papers as provided by the Florida Rules of
11 Juvenile Procedure.

12 (e) This subsection does not apply to any voluntary
13 relinquishment of parental rights proceeding.

14 Section 73. Section 39.466, Florida Statutes, is
15 renumbered as section 39.808, Florida Statutes, and amended to
16 read:

17 39.808 ~~39.466~~ Advisory hearing; pretrial status
18 conference.--

19 (1) An advisory hearing on the petition to terminate
20 parental rights must be held as soon as possible after all
21 parties have been served with a copy of the petition and a
22 notice of the date, time, and place of the advisory hearing
23 for the petition.

24 (2) At the hearing the court shall inform the parties
25 of their rights under s. 39.807 ~~39.465~~, shall appoint counsel
26 for the parties in accordance with legal requirements, and
27 shall appoint a guardian ad litem to represent the interests
28 of the child if one has not already been appointed.

29 (3) The court shall set a date for an adjudicatory
30 hearing to be held within 45 days after the advisory hearing,
31 unless all of the necessary parties agree to some other

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 hearing date.

2 (4) An advisory hearing may not be held if a petition
3 is filed seeking an adjudication voluntarily to terminate
4 parental rights. Adjudicatory hearings for petitions for
5 voluntary termination must be held within 21 days after the
6 filing of the petition. Notice of the use of this subsection
7 must be filed with the court at the same time as the filing of
8 the petition to terminate parental rights.

9 (5) Not less than 10 days before the adjudicatory
10 hearing, the court shall conduct a prehearing status
11 conference to determine the order in which each party may
12 present witnesses or evidence, the order in which
13 cross-examination and argument shall occur, and any other
14 matters that may aid in the conduct of the adjudicatory
15 hearing to prevent any undue delay in the conduct of the
16 adjudicatory hearing.

17 Section 74. Section 39.467, Florida Statutes, is
18 renumbered as section 39.809, Florida Statutes, and
19 subsections (1) and (4) of said section are amended to read:

20 39.809 ~~39.467~~ Adjudicatory hearing.--

21 (1) In a hearing on a petition for termination of
22 parental rights, the court shall consider the elements
23 required for termination ~~as set forth in s. 39.4611~~. Each of
24 these elements must be established by clear and convincing
25 evidence before the petition is granted.

26 (4) All hearings involving termination of parental
27 rights are confidential and closed to the public. Hearings
28 involving more than one child may be held simultaneously when
29 the children involved are related to each other or were
30 involved in the same case. The child and the parents ~~or legal~~
31 ~~custodians~~ may be examined separately and apart from each

1 other.

2 Section 75. Section 39.4612, Florida Statutes, is
3 renumbered as section 39.810, Florida Statutes, and subsection
4 (3) of said section is amended to read:

5 39.810 ~~39.4612~~ Manifest best interests of the
6 child.--In a hearing on a petition for termination of parental
7 rights, the court shall consider the manifest best interests
8 of the child. This consideration shall not include a
9 comparison between the attributes of the parents and those of
10 any persons providing a present or potential placement for the
11 child. For the purpose of determining the manifest best
12 interests of the child, the court shall consider and evaluate
13 all relevant factors, including, but not limited to:

14 (3) The capacity of the parent or parents to care for
15 the child to the extent that the child's safety, well-being,
16 and physical, mental, and emotional health ~~and well-being~~ will
17 not be endangered upon the child's return home.

18 Section 76. Section 39.469, Florida Statutes, is
19 renumbered as section 39.811, Florida Statutes, and amended to
20 read:

21 39.811 ~~39.469~~ Powers of disposition; order of
22 disposition.--

23 (1) If the court finds that the grounds for
24 termination of parental rights have not been established by
25 clear and convincing evidence, the court shall:

26 (a) If grounds for dependency have been established,
27 adjudicate or readjudicate the child dependent and:

28 1. Enter an order placing or continuing the child in
29 out-of-home ~~foster~~ care under a case plan; or

30 2. Enter an order returning the child to the parent or
31 parents. The court shall retain jurisdiction over a child

1 returned to the parent or parents ~~or legal guardians~~ for a
2 period of 6 months, but, at that time, based on a report of
3 the social service agency and any other relevant factors, the
4 court shall make a determination as to whether its
5 jurisdiction shall continue or be terminated.

6 (b) If grounds for dependency have not been
7 established, dismiss the petition.

8 (2) If the child is in out-of-home ~~foster~~ care custody
9 of the department and the court finds that the grounds for
10 termination of parental rights have been established by clear
11 and convincing evidence, the court shall, by order, place the
12 child in the custody of the department for the purpose of
13 adoption or place the child in the custody of a licensed
14 child-placing agency for the purpose of adoption.

15 (3) If the child is in the custody of one parent and
16 the court finds that the grounds for termination of parental
17 rights have been established for the remaining parent by clear
18 and convincing evidence, the court shall enter an order
19 terminating the rights of the parent for whom the grounds have
20 been established and placing the child in the custody of the
21 remaining parent, granting that parent sole parental
22 responsibility for the child.

23 (4) If the child is neither in the custody of the
24 department ~~of Children and Family Services~~ nor in the custody
25 of a parent and the court finds that the grounds for
26 termination of parental rights have been established for
27 either or both parents, the court shall enter an order
28 terminating parental rights for the parent or parents for whom
29 the grounds for termination have been established and placing
30 the child with an appropriate custodian. If the parental
31 rights of both parents have been terminated, or if the

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 parental rights of only one parent have been terminated and
2 the court makes specific findings based on evidence presented
3 that placement with the remaining parent is likely to be
4 harmful to the child, the court may order that the child be
5 placed with a custodian other than the department after
6 hearing evidence of the suitability of such intended
7 placement. Suitability of the intended placement includes the
8 fitness and capabilities of the proposed intended placement,
9 ~~with primary consideration being given to the welfare of the~~
10 ~~child; the fitness and capabilities of the proposed custodian~~
11 to function as the primary caregiver caretaker for a
12 particular child; and the compatibility of the child with the
13 home in which the child is intended to be placed. If the
14 court orders that a child be placed with a custodian under
15 this subsection, the court shall appoint such custodian as the
16 guardian for the child as provided in s. 744.3021. The court
17 may modify the order placing the child in the custody of the
18 custodian and revoke the guardianship established under s.
19 744.3021 if the court subsequently finds that a party to the
20 proceeding other than a parent whose rights have been
21 terminated has shown a material change in circumstances which
22 causes the placement to be no longer in the best interest of
23 the child.

24 (5) If the court terminates parental rights, the court
25 shall enter a written order of disposition briefly stating the
26 facts upon which its decision to terminate the parental rights
27 is made. An order of termination of parental rights, whether
28 based on parental consent or after notice served as prescribed
29 in this part, permanently deprives the parents ~~or legal~~
30 ~~guardian~~ of any right to the child.

31 (6) The parental rights of one parent may be severed

1 without severing the parental rights of the other parent only
2 under the following circumstances:

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

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

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

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

10 (e) If the parent whose rights are being terminated
11 meets the criteria specified in s. 39.806(1)(d)~~39.464(1)(d)~~.

12 (7)(a) The termination of parental rights does not
13 affect the rights of grandparents unless the court finds that
14 continued visitation is not in the best interests of the child
15 or that such visitation would interfere with the goals of
16 permanency planning for the child.

17 (b) If the court terminates parental rights, it may
18 order that the parents or relatives of the parent whose rights
19 are terminated be allowed to maintain some contact with the
20 child pending adoption if the best interests of the child
21 support this continued contact, except as provided in
22 paragraph (a). If the court orders such continued contact, the
23 nature and frequency of the contact must be set forth in
24 written order and may be reviewed upon motion of any party,
25 including a prospective adoptive parent if a child has been
26 placed for adoption. If a child is placed for adoption, the
27 nature and frequency of the contact must be reviewed by the
28 court at the time the child is adopted.

29 (8) If the court terminates parental rights, it shall,
30 in its order of disposition, provide for a hearing, to be
31 scheduled no later than 30 days after the date of disposition,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 in which the department or the licensed child-placing agency
2 shall provide to the court a plan for permanency for the
3 child. Reasonable efforts must be made to place the child in a
4 timely manner in accordance with the permanency plan, and to
5 complete whatever steps are necessary to finalize the
6 permanent placement of the child. Thereafter, until the
7 adoption of the child is finalized or the child reaches the
8 age of 18 years, whichever occurs first, the court shall hold
9 hearings at 6-month intervals to review the progress being
10 made toward permanency for the child.

11 (9) After termination of parental rights, the court
12 shall retain jurisdiction over any child for whom custody is
13 given to a social service agency until the child is adopted.
14 The court shall review the status of the child's placement and
15 the progress being made toward permanent adoptive placement.
16 As part of this continuing jurisdiction, for good cause shown
17 by the guardian ad litem for the child, the court may review
18 the appropriateness of the adoptive placement of the child.

19 Section 77. Section 39.47, Florida Statutes, is
20 renumbered as section 39.812, Florida Statutes, and amended to
21 read:

22 39.812 ~~39.47~~ Post disposition relief.--

23 (1) A licensed child-placing agency or the department
24 which is given custody of a child for subsequent adoption in
25 accordance with this chapter may place the child in a family
26 home for prospective subsequent adoption and the licensed
27 child-placing agency or the department may thereafter become a
28 party to any proceeding for the legal adoption of the child
29 and appear in any court where the adoption proceeding is
30 pending and consent to the adoption; and that consent alone
31 shall in all cases be sufficient.

1 (2) In any subsequent adoption proceeding, the parents
2 ~~and legal guardian~~ shall not be entitled to any notice
3 thereof, nor shall they be entitled to knowledge at any time
4 after the order terminating parental rights is entered of the
5 whereabouts of the child or of the identity or location of any
6 person having the custody of or having adopted the child,
7 except as provided by order of the court pursuant to this
8 chapter or chapter 63; and in any habeas corpus or other
9 proceeding involving the child brought by any parent ~~or legal~~
10 ~~guardian~~ of the child, no agent or contract provider of the
11 licensed child-placing agency or department shall be compelled
12 to divulge that information, but may be compelled to produce
13 the child before a court of competent jurisdiction if the
14 child is still subject to the guardianship of the licensed
15 child-placing agency or department.

16 (3) The entry of the custody order to the department
17 or licensed child-placing agency shall not entitle the
18 licensed child-placing agency or department to guardianship of
19 the estate or property of the child, but the licensed
20 child-placing agency or department shall be the guardian of
21 the person of the child.

22 (4) The court shall retain jurisdiction over any child
23 for whom custody is given to a licensed child-placing agency
24 or to the department until the child is adopted. After custody
25 of a child for subsequent adoption has been given to an agency
26 or the department, the court has jurisdiction for the purpose
27 of reviewing the status of the child and the progress being
28 made toward permanent adoptive placement. As part of this
29 continuing jurisdiction, for good cause shown by the guardian
30 ad litem for the child, the court may review the
31 appropriateness of the adoptive placement of the child.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 ~~(5) The Legislature finds that children are most~~
2 ~~likely to realize their potential when they have the ability~~
3 ~~provided by good permanent families rather than spending long~~
4 ~~periods of time in temporary placements or unnecessary~~
5 ~~institutions. It is the intent of the Legislature that~~
6 ~~decisions be consistent with the child's best interests and~~
7 ~~that the department make proper adoptive placements as~~
8 ~~expeditiously as possible following a final judgment~~
9 ~~terminating parental rights.~~

10 Section 78. Section 39.813, Florida Statutes, is
11 created to read:

12 39.813 Continuing jurisdiction.--The court which
13 terminates the parental rights of a child who is the subject
14 of termination proceedings pursuant to this chapter shall
15 retain exclusive jurisdiction in all matters pertaining to the
16 child's adoption pursuant to chapter 63.

17 Section 79. Section 39.471, Florida Statutes, is
18 renumbered as section 39.814, Florida Statutes.

19 Section 80. Section 39.473, Florida Statutes, is
20 renumbered as section 39.815, Florida Statutes, and subsection
21 (1) of said section is amended to read:

22 39.815 ~~39.473~~ Appeal.--

23 (1) Any child, any parent ~~or~~ guardian ad litem, ~~or~~
24 ~~legal custodian~~ of any child, any other party to the
25 proceeding who is affected by an order of the court, or the
26 department may appeal to the appropriate district court of
27 appeal within the time and in the manner prescribed by the
28 Florida Rules of Appellate Procedure. The district court of
29 appeal shall give an appeal from an order terminating parental
30 rights priority in docketing and shall render a decision on
31 the appeal as expeditiously as possible. Appointed counsel

1 shall be compensated as provided in s. 39.0134 ~~39.474~~.

2 Section 81. Section 39.816, Florida Statutes, is
3 created to read:

4 39.816 Authorization for pilot and demonstration
5 projects.--

6 (1) Contingent upon receipt of a federal grant or
7 contract pursuant to s. 473A(i) of the Social Security Act, 42
8 U.S.C. 673A(i), enacted November 19, 1997, the department is
9 authorized to establish one or more pilot projects for the
10 following purposes:

11 (a) The development of best practice guidelines for
12 expediting termination of parental rights.

13 (b) The development of models to encourage the use of
14 concurrent planning.

15 (c) The development of specialized units and expertise
16 in moving children toward adoption as a permanency goal.

17 (d) The development of risk-assessment tools to
18 facilitate early identification of the children who will be at
19 risk of harm if returned home.

20 (e) The development of models to encourage the
21 fast-tracking of children who have not attained 1 year of age,
22 into preadoptive placements.

23 (f) The development of programs that place children
24 into preadoptive families without waiting for termination of
25 parental rights.

26 (2) Contingent upon receipt of federal authorization
27 and funding pursuant to s. 1130(a) of the Social Security Act,
28 42 U.S.C. 1320a-9, enacted November 19, 1997, the department
29 is authorized to establish one or more demonstration projects
30 for the following purposes:

31 (a) Identifying and addressing barriers that result in

1 delays to adoptive placements for children in out-of-home
2 care.

3 (b) Identifying and addressing parental substance
4 abuse problems that endanger children and result in the
5 placement of children in out-of-home care. This purpose may be
6 accomplished through the placement of children with their
7 parents in residential treatment facilities, including
8 residential treatment facilities for post-partum depression,
9 that are specifically designed to serve parents and children
10 together, in order to promote family reunification, and that
11 can ensure the health and safety of the children.

12 (c) Addressing kinship care.

13 Section 82. Section 39.817, Florida Statutes, is
14 created to read:

15 39.817 Foster care privatization demonstration pilot
16 project.--A pilot project shall be established through The
17 Ounce of Prevention Fund of Florida to contract with a private
18 entity for a foster care privatization demonstration project.
19 No more than 30 children with a goal of family reunification
20 shall be accepted into the program on a no-eject-or-reject
21 basis as identified by the department. Sibling groups shall be
22 kept together in one placement in their own communities.
23 Foster care parents shall be paid employees of the program.
24 The program shall provide for public/private partnerships,
25 community collaboration, counseling, and medical and legal
26 assistance, as needed. For purposes of identifying measurable
27 outcomes, the pilot project shall be located in a department
28 district with an integrated district management which was
29 selected as a family transition program site, has a population
30 of less than 500,000, has a total caseload of no more than
31 400, with and without board payment, and has a total foster

1 care case load of no more than 250.

2 Section 83. Part X of chapter 39, Florida Statutes,
3 consisting of sections 39.820, 39.821, 39.822, 39.823, 39.824,
4 39.825, 39.826, 39.827, 39.828, 39.829, and 39.8295, Florida
5 Statutes, shall be entitled to read:

6 PART X

7 GUARDIANS AD LITEM AND GUARDIAN ADVOCATES

8 Section 84. Section 39.820, Florida Statutes, is
9 created to read:

10 39.820 Definitions.--As used in this part, the term:

11 (1) "Guardian ad litem" as referred to in any civil or
12 criminal proceeding includes the following: a certified
13 guardian ad litem program, a duly certified volunteer, a staff
14 attorney, contract attorney, or certified pro bono attorney
15 working on behalf of a guardian ad litem or the program; staff
16 members of a program office; a court-appointed attorney; or a
17 responsible adult who is appointed by the court to represent
18 the best interests of a child in a proceeding as provided for
19 by law, including, but not limited to, this chapter, who is a
20 party to any judicial proceeding as a representative of the
21 child, and who serves until discharged by the court.

22 (2) "Guardian advocate" means a person appointed by
23 the court to act on behalf of a drug dependent newborn
24 pursuant to the provisions of this part.

25 Section 85. Section 415.5077, Florida Statutes, is
26 renumbered as section 39.821, Florida Statutes.

27 Section 86. Section 415.508, Florida Statutes, is
28 renumbered as section 39.822, Florida Statutes, and amended to
29 read:

30 39.822 ~~415.508~~ Appointment of guardian ad litem for
31 abused, abandoned, or neglected child.--

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 (1) A guardian ad litem shall be appointed by the
2 court at the earliest possible time to represent the child in
3 any child abuse, abandonment, or neglect judicial proceeding,
4 whether civil or criminal. Any person participating in a
5 civil or criminal judicial proceeding resulting from such
6 appointment shall be presumed prima facie to be acting in good
7 faith and in so doing shall be immune from any liability,
8 civil or criminal, that otherwise might be incurred or
9 imposed.

10 (2) In those cases in which the parents are
11 financially able, the parent or parents of the child shall
12 reimburse the court, in part or in whole, for the cost of
13 provision of guardian ad litem services. Reimbursement to the
14 individual providing guardian ad litem services shall not be
15 contingent upon successful collection by the court from the
16 parent or parents.

17 (3) The guardian ad litem or the program
18 representative shall review all disposition recommendations
19 and changes in placements, and must be present at all critical
20 stages of the dependency proceeding or submit a written report
21 of recommendations to the court.

22 Section 87. Section 415.5082, Florida Statutes, is
23 renumbered as section 39.823, Florida Statutes, and amended to
24 read:

25 39.823 ~~415.5082~~ Guardian advocates for drug dependent
26 newborns.--The Legislature finds that increasing numbers of
27 drug dependent children are born in this state. Because of
28 the parents' continued dependence upon drugs, the parents may
29 temporarily leave their child with a relative or other adult
30 or may have agreed to voluntary family services under s.
31 39.301(8)~~415.505(1)(e)~~. The relative or other adult may be

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 left with a child who is likely to require medical treatment
 2 but for whom they are unable to obtain medical treatment. The
 3 purpose of this section is to provide an expeditious method
 4 for such relatives or other responsible adults to obtain a
 5 court order which allows them to provide consent for medical
 6 treatment and otherwise advocate for the needs of the child
 7 and to provide court review of such authorization.

8 Section 88. Section 415.5083, Florida Statutes, is
 9 renumbered as section 39.824, Florida Statutes, and amended to
 10 read:

11 39.824 ~~415.5083~~ Procedures and jurisdiction.--

12 (1) The Supreme Court is requested to adopt rules of
 13 juvenile procedure by October 1, 1989, to implement this part
 14 ~~ss. 415.5082-415.5089~~. All procedures, including petitions,
 15 pleadings, subpoenas, summonses, and hearings in cases for the
 16 appointment of a guardian advocate shall be according to the
 17 Florida Rules of Juvenile Procedure unless otherwise provided
 18 by law.

19 (2) The circuit court shall have exclusive original
 20 jurisdiction of a proceeding in which appointment of a
 21 guardian advocate is sought. The court shall retain
 22 jurisdiction over a child for whom a guardian advocate is
 23 appointed until specifically relinquished by court order.

24 Section 89. Section 415.5084, Florida Statutes, is
 25 renumbered as section 39.825, Florida Statutes.

26 Section 90. Section 415.5085, Florida Statutes, is
 27 renumbered as section 39.826, Florida Statutes.

28 Section 91. Section 415.5086, Florida Statutes, is
 29 renumbered as section 39.827, Florida Statutes, and amended to
 30 read:

31 39.827 ~~415.5086~~ Hearing for appointment of a guardian

1 advocate.--

2 (1) When a petition for appointment of a guardian
3 advocate has been filed with the circuit court, the hearing
4 shall be held within 14 days unless all parties agree to a
5 continuance. If a child is in need of necessary medical
6 treatment as defined in s. 39.01, the court shall hold a
7 hearing within 24 hours.

8 (2) At the hearing, the parents have the right to be
9 present, to present testimony, to call and cross-examine
10 witnesses, to be represented by counsel at their own expense,
11 and to object to the appointment of the guardian advocate.

12 (3) The hearing shall be conducted by the judge
13 without a jury, applying the rules of evidence in use in civil
14 cases. In a hearing on a petition for appointment of a
15 guardian advocate, the moving party shall prove all the
16 elements in s. 39.828 ~~415.5087~~ by a preponderance of the
17 evidence.

18 (4) The hearing under this section shall remain
19 confidential and closed to the public. The clerk shall keep
20 all court records required by this part ~~ss. 415.5082-415.5089~~
21 separate from other records of the circuit court. All court
22 records required by this part ~~ss. 415.5082-415.5089~~ shall be
23 confidential and exempt from the provisions of s. 119.07(1).
24 All records shall be inspected only upon order of the court by
25 persons deemed by the court to have a proper interest therein,
26 except that a child and the parents or custodians of the child
27 and their attorneys and the department and its designees shall
28 always have the right to inspect and copy any official record
29 pertaining to the child. The court may permit authorized
30 representatives of recognized organizations compiling
31 statistics for proper purposes to inspect and make abstracts

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 from official records, under whatever conditions upon their
 2 use and disposition the court may deem proper, and may punish
 3 by contempt proceedings any violation of those conditions.
 4 All information obtained pursuant to this part ~~ss.~~
 5 ~~415.5082-415.5089~~ in the discharge of official duty by any
 6 judge, employee of the court, or authorized agent of the
 7 department, shall be confidential and exempt from the
 8 provisions of s. 119.07(1) and shall not be disclosed to
 9 anyone other than the authorized personnel of the court or the
 10 department and its designees, except upon order of the court.

11 Section 92. Section 415.5087, Florida Statutes, is
 12 renumbered as section 39.828, Florida Statutes, and amended to
 13 read:

14 39.828 ~~415.5087~~ Grounds for appointment of a guardian
 15 advocate.--

16 (1) The court shall appoint the person named in the
 17 petition as a guardian advocate with all the powers and duties
 18 specified in s. 39.829 ~~415.5088~~ for an initial term of 1 year
 19 upon a finding that:

20 (a) The child named in the petition is or was a drug
 21 dependent newborn as described in s. 39.01(30)(g).
 22 ~~415.503(10)(a)2.~~;

23 (b) The parent or parents of the child have
 24 voluntarily relinquished temporary custody of the child to a
 25 relative or other responsible adult;

26 (c) The person named in the petition to be appointed
 27 the guardian advocate is capable of carrying out the duties as
 28 provided in s. 39.829 ~~415.5088~~; and

29 (d) A petition to adjudicate the child dependent
 30 pursuant to this chapter ~~39~~ has not been filed.

31 (2) The appointment of a guardian advocate does not

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 remove from the parents the right to consent to medical
2 treatment for their child. The appointment of a guardian
3 advocate does not prevent the filing of a subsequent petition
4 under this chapter ~~39~~ to have the child adjudicated dependent.

5 Section 93. Section 415.5088, Florida Statutes, is
6 renumbered as section 39.829, Florida Statutes.

7 Section 94. Section 415.5089, Florida Statutes, is
8 renumbered as section 39.8295, Florida Statutes, and amended
9 to read:

10 39.8295 ~~415.5089~~ Review and removal of guardian
11 advocate.--

12 (1) At the end of the initial 1-year appointment, the
13 court shall review the status of the child's care, health, and
14 medical condition for the purpose of determining whether to
15 reauthorize the appointment of the guardian advocate. If the
16 court finds that all of the elements of s. 39.828 ~~415.5087~~ are
17 still met the court shall reauthorize the guardian advocate
18 for another year.

19 (2) At any time, the court may, upon its own motion,
20 or upon the motion of the department, a family member, or
21 other interested person remove a guardian advocate. A
22 guardian advocate shall be removed if the court finds that the
23 guardian advocate is not properly discharging his or her
24 responsibilities or is acting in a manner inconsistent with
25 his or her appointment, that the parents have assumed parental
26 responsibility to provide for the child, or that the child has
27 been adjudicated dependent pursuant to this chapter ~~39~~.

28 Section 95. Part XI of chapter 39, Florida Statutes,
29 consisting of sections 39.901, 39.902, 39.903, 39.904, 39.905,
30 39.906, and 39.908, Florida Statutes, shall be entitled to
31 read:

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PART XI

DOMESTIC VIOLENCE

Section 96. Section 415.601, Florida Statutes, is renumbered as section 39.901, Florida Statutes.

Section 97. Section 415.602, Florida Statutes, is renumbered as section 39.902, Florida Statutes, and amended to read:

39.902 ~~415.602~~ Definitions of terms used in ~~ss. 415.601-415.608.~~ --As used in this part ~~ss. 415.601-415.608,~~ the term:

~~(1) "Department" means the Department of Children and Family Services.~~

~~(2) "District" means a service district of the department as created in s. 20.19.~~

(1)~~(3)~~ "Domestic violence" means any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

(2)~~(4)~~ "Domestic violence center" means an agency that provides services to victims of domestic violence, as its primary mission.

(3)~~(5)~~ "Family or household member" means spouses, former spouses, adults related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

Section 98. Section 415.603, Florida Statutes, is renumbered as section 39.903, Florida Statutes, and subsection (1) of said section is amended to read:

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 39.903 ~~415.603~~ Duties and functions of the department
2 with respect to domestic violence.--

3 (1) The department shall:

4 (a) Develop by rule criteria for the approval or
5 rejection of certification or funding of domestic violence
6 centers.

7 (b) Develop by rule minimum standards for domestic
8 violence centers to ensure the health and safety of the
9 clients in the centers.

10 (c) Receive and approve or reject applications for
11 certification of domestic violence centers, and receive and
12 approve or reject applications for funding of domestic
13 violence centers. When approving funding for a newly certified
14 domestic violence center, the department shall make every
15 effort to minimize any adverse economic impact on existing
16 certified centers or services provided within the same
17 district. In order to minimize duplication of services, the
18 department shall make every effort to encourage subcontracting
19 relationships with existing centers within the district. If
20 any of the required services are exempted by the department
21 under s. 39.905(1)(c)~~415.605(1)(c)~~, the center shall not
22 receive funding for those services.

23 (d) Evaluate each certified domestic violence center
24 annually to ensure compliance with the minimum standards. The
25 department has the right to enter and inspect the premises of
26 certified domestic violence centers at any reasonable hour in
27 order to effectively evaluate the state of compliance of these
28 centers with this part ~~ss. 415.601-415.608~~ and rules relating
29 to this part ~~those sections~~.

30 (e) Adopt rules to implement this part ~~ss.~~
31 ~~415.601-415.608~~.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 (f) Promote the involvement of certified domestic
2 violence centers in the coordination, development, and
3 planning of domestic violence programming in the districts and
4 the state.

5 Section 99. Section 415.604, Florida Statutes, is
6 renumbered as section 39.904, Florida Statutes, and amended to
7 read:

8 39.904 ~~415.604~~ Report to the Legislature on the status
9 of domestic violence cases.--On or before January 1 of each
10 year, the department of ~~Children and Family Services~~ shall
11 furnish to the President of the Senate and the Speaker of the
12 House of Representatives a report on the status of domestic
13 violence in this state, which report shall include, but is not
14 limited to, the following:

15 (1) The incidence of domestic violence in this state.

16 (2) An identification of the areas of the state where
17 domestic violence is of significant proportions, indicating
18 the number of cases of domestic violence officially reported,
19 as well as an assessment of the degree of unreported cases of
20 domestic violence.

21 (3) An identification and description of the types of
22 programs in the state that assist victims of domestic violence
23 or persons who commit domestic violence, including information
24 on funding for the programs.

25 (4) The number of persons who are treated by or
26 assisted by local domestic violence programs that receive
27 funding through the department.

28 (5) A statement on the effectiveness of such programs
29 in preventing future domestic violence.

30 (6) An inventory and evaluation of existing prevention
31 programs.

1 (7) A listing of potential prevention efforts
2 identified by the department; the estimated annual cost of
3 providing such prevention services, both for a single client
4 and for the anticipated target population as a whole; an
5 identification of potential sources of funding; and the
6 projected benefits of providing such services.

7 Section 100. Section 415.605, Florida Statutes, is
8 renumbered as section 39.905, Florida Statutes, and
9 subsections (1) and (2) and paragraph (a) of subsection (6) of
10 said section are amended, to read:

11 39.905 ~~415.605~~ Domestic violence centers.--

12 (1) Domestic violence centers certified under this
13 part ~~ss. 415.601-415.608~~ must:

14 (a) Provide a facility which will serve as a center to
15 receive and house persons who are victims of domestic
16 violence. For the purpose of this part ~~ss. 415.601-415.608~~,
17 minor children and other dependents of a victim, when such
18 dependents are partly or wholly dependent on the victim for
19 support or services, may be sheltered with the victim in a
20 domestic violence center.

21 (b) Receive the annual written endorsement of local
22 law enforcement agencies.

23 (c) Provide minimum services which include, but are
24 not limited to, information and referral services, counseling
25 and case management services, temporary emergency shelter for
26 more than 24 hours, a 24-hour hotline, training for law
27 enforcement personnel, assessment and appropriate referral of
28 resident children, and educational services for community
29 awareness relative to the incidence of domestic violence, the
30 prevention of such violence, and the care, treatment, and
31 rehabilitation for persons engaged in or subject to domestic

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 violence. If a 24-hour hotline, professional training, or
2 community education is already provided by a certified
3 domestic violence center within a district, the department may
4 exempt such certification requirements for a new center
5 serving the same district in order to avoid duplication of
6 services.

7 (d) Participate in the provision of orientation and
8 training programs developed for law enforcement officers,
9 social workers, and other professionals and paraprofessionals
10 who work with domestic violence victims to better enable such
11 persons to deal effectively with incidents of domestic
12 violence.

13 (e) Establish and maintain a board of directors
14 composed of at least three citizens, one of whom must be a
15 member of a local, municipal, or county law enforcement
16 agency.

17 (f) Comply with rules adopted pursuant to this part
18 ~~ss. 415.601-415.608~~.

19 (g) File with the department a list of the names of
20 the domestic violence advocates who are employed or who
21 volunteer at the domestic violence center who may claim a
22 privilege under s. 90.5036 to refuse to disclose a
23 confidential communication between a victim of domestic
24 violence and the advocate regarding the domestic violence
25 inflicted upon the victim. The list must include the title of
26 the position held by the advocate whose name is listed and a
27 description of the duties of that position. A domestic
28 violence center must file amendments to this list as
29 necessary.

30 (h) Demonstrate local need and ability to sustain
31 operations through a history of 18 consecutive months'

1 operation as a domestic violence center, including 12 months'
2 operation of an emergency shelter as provided in paragraph (c)
3 ~~defined in paragraph (1)(a)~~, and a business plan which
4 addresses future operations and funding of future operations.

5 (i) If its center is a new center applying for
6 certification, demonstrate that the services provided address
7 a need identified in the most current statewide needs
8 assessment approved by the department.

9 (2) If the department finds that there is failure by a
10 center to comply with the requirements established under this
11 part ss. 415.601-415.608 or with the rules adopted pursuant
12 thereto, the department may deny, suspend, or revoke the
13 certification of the center.

14 (6) In order to receive state funds, a center must:

15 (a) Obtain certification pursuant to this part ss.
16 ~~415.601-415.608~~. However, the issuance of a certificate will
17 not obligate the department to provide funding.

18 Section 101. Section 415.606, Florida Statutes, is
19 renumbered as section 39.906, Florida Statutes.

20 Section 102. Section 415.608, Florida Statutes, is
21 renumbered as section 39.908, Florida Statutes.

22 Section 103. Subsections (4) through (20) of section
23 20.19, Florida Statutes, are renumbered as subsections (5)
24 through (21), respectively, paragraph (b) of present
25 subsection (4), paragraph (o) of present subsection (7), and
26 paragraph (c) of present subsection (20) are amended, and a
27 new subsection (4) is added to said section, to read:

28 20.19 Department of Children and Family
29 Services.--There is created a Department of Children and
30 Family Services.

31 (4) CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES.--

1 The department is authorized to create certification programs
2 for family safety and preservation employees and agents to
3 ensure that only qualified employees and agents provide child
4 protection services. The department is authorized to develop
5 rules that include qualifications for certification, including
6 training and testing requirements, continuing education
7 requirements for ongoing certification, and decertification
8 procedures to be used to determine when an individual no
9 longer meets the qualifications for certification and to
10 implement the decertification of an employee or agent.

11 (5)(4) PROGRAM OFFICES.--

12 (b) The following program offices are established and
13 may be consolidated, restructured, or rearranged by the
14 secretary; provided any such consolidation, restructuring, or
15 rearranging is for the purpose of encouraging service
16 integration through more effective and efficient performance
17 of the program offices or parts thereof:

18 1. Economic Self-Sufficiency Program Office.--The
19 responsibilities of this office encompass income support
20 programs within the department, such as temporary assistance
21 to families with dependent children, food stamps, welfare
22 reform, and state supplementation of the supplemental security
23 income (SSI) program.

24 2. Developmental Services Program Office.--The
25 responsibilities of this office encompass programs operated by
26 the department for developmentally disabled persons.
27 Developmental disabilities include any disability defined in
28 s. 393.063.

29 3. Children and Families Program Office.--The
30 responsibilities of this program office encompass early
31 intervention services for children and families at risk;

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 intake services for protective investigation of abandoned,
2 abused, and neglected children; interstate compact on the
3 placement of children programs; adoption; child care;
4 out-of-home care programs and other specialized services to
5 families; and child protection and sexual abuse treatment
6 teams created under chapter 39 ~~415~~, excluding medical
7 direction functions.

8 4. Alcohol, Drug Abuse, and Mental Health Program
9 Office.--The responsibilities of this office encompass all
10 alcohol, drug abuse, and mental health programs operated by
11 the department.

12 (7) HEALTH AND HUMAN SERVICES BOARDS.--

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

- 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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

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

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 the bylaws, from among the members of the board.

2 (20) INNOVATION ZONES.--The health and human services
3 board may propose designation of an innovation zone for any
4 experimental, pilot, or demonstration project that furthers
5 the legislatively established goals of the department. An
6 innovation zone is a defined geographic area such as a
7 district, county, municipality, service delivery area, school
8 campus, or neighborhood providing a laboratory for the
9 research, development, and testing of the applicability and
10 efficacy of model programs, policy options, and new
11 technologies for the department.

12 (c) The Statewide Health and Human Services Board, in
13 conjunction with the secretary, shall develop a family
14 services innovation transfer network for the purpose of
15 providing information on innovation zone research and projects
16 or other effective initiatives in family services to the
17 health and human services boards established under subsection
18 ~~(8)(7)~~.

19 Section 104. Paragraph (h) of subsection (1) of
20 section 20.43, Florida Statutes, is amended to read:

21 20.43 Department of Health.--There is created a
22 Department of Health.

23 (1) The purpose of the Department of Health is to
24 promote and protect the health of all residents and visitors
25 in the state through organized state and community efforts,
26 including cooperative agreements with counties. The
27 department shall:

28 (h) Provide medical direction for child protection
29 team and sexual abuse treatment functions created under
30 chapter 39 ~~415~~.

31 Section 105. Paragraph (b)2. of subsection (2) of

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 section 61.13, Florida Statutes, is amended to read:

2 61.13 Custody and support of children; visitation
3 rights; power of court in making orders.--

4 (2)

5 (b)

6 2. The court shall order that the parental
7 responsibility for a minor child be shared by both parents
8 unless the court finds that shared parental responsibility
9 would be detrimental to the child. Evidence that a parent has
10 been convicted of a felony of the third degree or higher
11 involving domestic violence, as defined in s. 741.28 and
12 chapter 775, or meets the criteria of s. 39.806(1)(d)
13 ~~39.464(1)(d)~~, creates a rebuttable presumption of detriment to
14 the child. If the presumption is not rebutted, shared parental
15 responsibility, including visitation, residence of the child,
16 and decisions made regarding the child, may not be granted to
17 the convicted parent. However, the convicted parent is not
18 relieved of any obligation to provide financial support. If
19 the court determines that shared parental responsibility would
20 be detrimental to the child, it may order sole parental
21 responsibility and make such arrangements for visitation as
22 will best protect the child or abused spouse from further
23 harm. Whether or not there is a conviction of any offense of
24 domestic violence or child abuse or the existence of an
25 injunction for protection against domestic violence, the court
26 shall consider evidence of domestic violence or child abuse as
27 evidence of detriment to the child.

28 a. In ordering shared parental responsibility, the
29 court may consider the expressed desires of the parents and
30 may grant to one party the ultimate responsibility over
31 specific aspects of the child's welfare or may divide those

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 responsibilities between the parties based on the best
2 interests of the child. Areas of responsibility may include
3 primary residence, education, medical and dental care, and any
4 other responsibilities that the court finds unique to a
5 particular family.

6 b. The court shall order "sole parental
7 responsibility, with or without visitation rights, to the
8 other parent when it is in the best interests of" the minor
9 child.

10 c. The court may award the grandparents visitation
11 rights with a minor child if it is in the child's best
12 interest. Grandparents have legal standing to seek judicial
13 enforcement of such an award. This section does not require
14 that grandparents be made parties or given notice of
15 dissolution pleadings or proceedings, nor do grandparents have
16 legal standing as "contestants" as defined in s. 61.1306. A
17 court may not order that a child be kept within the state or
18 jurisdiction of the court solely for the purpose of permitting
19 visitation by the grandparents.

20 Section 106. Section 61.401, Florida Statutes, is
21 amended to read:

22 61.401 Appointment of guardian ad litem.--In an action
23 for dissolution of marriage, modification, parental
24 responsibility, custody, or visitation, if the court finds it
25 is in the best interest of the child, the court may appoint a
26 guardian ad litem to act as next friend of the child,
27 investigator or evaluator, not as attorney or advocate. The
28 court in its discretion may also appoint legal counsel for a
29 child to act as attorney or advocate; however, the guardian
30 and the legal counsel shall not be the same person. In such
31 actions which involve an allegation of child abuse,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 abandonment, or neglect as defined in s. 39.01 ~~415.503(3)~~,
2 which allegation is verified and determined by the court to be
3 well-founded, the court shall appoint a guardian ad litem for
4 the child. The guardian ad litem shall be a party to any
5 judicial proceeding from the date of the appointment until the
6 date of discharge.

7 Section 107. Section 61.402, Florida Statutes, is
8 amended to read:

9 61.402 Qualifications of guardians ad litem.--A
10 guardian ad litem must be either a citizen certified by the
11 Guardian Ad Litem Program to act in family law cases or an
12 attorney who is a member in good standing of The Florida Bar.
13 Prior to certifying a guardian ad litem to be appointed under
14 this chapter, the Guardian Ad Litem Program must conduct a
15 security background investigation as provided in s. 39.821
16 ~~415.5077~~.

17 Section 108. Subsection (4) of section 63.052, Florida
18 Statutes, is amended to read:

19 63.052 Guardians designated; proof of commitment.--

20 (4) If a child is voluntarily surrendered to an
21 intermediary for subsequent adoption and the adoption does not
22 become final within 180 days, the intermediary must report to
23 the court on the status of the child and the court may at that
24 time proceed under s. 39.701 ~~39.453~~ or take action reasonably
25 necessary to protect the best interest of the child.

26 Section 109. Paragraph (b) of subsection (2) of
27 section 63.092, Florida Statutes, is amended to read:

28 63.092 Report to the court of intended placement by an
29 intermediary; preliminary study.--

30 (2) PRELIMINARY HOME STUDY.--Before placing the minor
31 in the intended adoptive home, a preliminary home study must

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 be performed by a licensed child-placing agency, a licensed
2 professional, or agency described in s. 61.20(2), unless the
3 petitioner is a stepparent, a spouse of the birth parent, or a
4 relative. The preliminary study shall be completed within 30
5 days after the receipt by the court of the intermediary's
6 report, but in no event may the child be placed in the
7 prospective adoptive home prior to the completion of the
8 preliminary study unless ordered by the court. If the
9 petitioner is a stepparent, a spouse of the birth parent, or a
10 relative, the preliminary home study may be required by the
11 court for good cause shown. The department is required to
12 perform the preliminary home study only if there is no
13 licensed child-placing agency, licensed professional, or
14 agency described in s. 61.20(2), in the county where the
15 prospective adoptive parents reside. The preliminary home
16 study must be made to determine the suitability of the
17 intended adoptive parents and may be completed prior to
18 identification of a prospective adoptive child. A favorable
19 preliminary home study is valid for 1 year after the date of
20 its completion. A child must not be placed in an intended
21 adoptive home before a favorable preliminary home study is
22 completed unless the adoptive home is also a licensed foster
23 home under s. 409.175. The preliminary home study must
24 include, at a minimum:

25 (b) Records checks of the department's central abuse
26 registry ~~under chapter 415~~ and ~~statewide~~ criminal records
27 correspondence checks pursuant to s. 435.045 through the
28 Department of Law Enforcement on the intended adoptive
29 parents;

30

31 If the preliminary home study is favorable, a minor may be

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 placed in the home pending entry of the judgment of adoption.
2 A minor may not be placed in the home if the preliminary home
3 study is unfavorable. If the preliminary home study is
4 unfavorable, the intermediary or petitioner may, within 20
5 days after receipt of a copy of the written recommendation,
6 petition the court to determine the suitability of the
7 intended adoptive home. A determination as to suitability
8 under this subsection does not act as a presumption of
9 suitability at the final hearing. In determining the
10 suitability of the intended adoptive home, the court must
11 consider the totality of the circumstances in the home.

12 Section 110. Subsection (2) of section 90.5036,
13 Florida Statutes, is amended to read:

14 90.5036 Domestic violence advocate-victim privilege.--

15 (2) A victim has a privilege to refuse to disclose,
16 and to prevent any other person from disclosing, a
17 confidential communication made by the victim to a domestic
18 violence advocate or any record made in the course of
19 advising, counseling, or assisting the victim. The privilege
20 applies to confidential communications made between the victim
21 and the domestic violence advocate and to records of those
22 communications only if the advocate is registered under s.
23 39.905 ~~415.605~~ at the time the communication is made. This
24 privilege includes any advice given by the domestic violence
25 advocate in the course of that relationship.

26 Section 111. Section 154.067, Florida Statutes, is
27 amended to read:

28 154.067 Child abuse and neglect cases; duties.--The
29 Department of Health shall adopt a rule requiring every county
30 health department, as described in s. 154.01, to adopt a
31 protocol that, at a minimum, requires the county health

1 department to:

2 (1) Incorporate in its health department policy a
3 policy that every staff member has an affirmative duty to
4 report, pursuant to chapter 39 415, any actual or suspected
5 case of child abuse, abandonment, or neglect; and

6 (2) In any case involving suspected child abuse,
7 abandonment, or neglect, designate, at the request of the
8 department, a staff physician to act as a liaison between the
9 county health department and the Department of Children and
10 Family Services office that is investigating the suspected
11 abuse, abandonment, or neglect, and the child protection team,
12 as defined in s. 39.01 415.503, when the case is referred to
13 such a team.

14 Section 112. Subsection (15) of section 213.053,
15 Florida Statutes, is amended to read:

16 213.053 Confidentiality and information sharing.--

17 (15) The department may disclose confidential taxpayer
18 information contained in returns, reports, accounts, or
19 declarations filed with the department by persons subject to
20 any state or local tax to the child support enforcement
21 program, to assist in the location of parents who owe or
22 potentially owe a duty of support pursuant to Title IV-D of
23 the Social Security Act, their assets, their income, and their
24 employer, and to the Department of Children and Family
25 Services for the purpose of diligent search activities
26 pursuant to chapter 39. Nothing in this subsection authorizes
27 the disclosure of information if such disclosure is prohibited
28 by federal law. Employees of the child support enforcement
29 program and of the Department of Children and Family Services
30 are bound by the same requirements of confidentiality and the
31 same penalties for violation of the requirements as the

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 department.

2 Section 113. Paragraph (a) of subsection (8) of
3 section 216.136, Florida Statutes, is amended to read:

4 216.136 Consensus estimating conferences; duties and
5 principals.--

6 (8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

7 (a) Duties.--The Child Welfare System Estimating
8 Conference shall develop the following information relating to
9 the child welfare system:

10 1. Estimates and projections of the number of initial
11 and additional reports of child abuse, abandonment, or neglect
12 made to the central abuse hotline registry and tracking system
13 maintained by the Department of Children and Family Health and
14 Rehabilitative Services as established in s. 39.201(4)
15 ~~415.504(4)(a)~~.

16 2. Estimates and projections of the number of children
17 who are alleged to be victims of child abuse, abandonment, or
18 neglect and are in need of placement in a an emergency
19 shelter.

20
21 In addition, the conference shall develop other official
22 information relating to the child welfare system of the state
23 which the conference determines is needed for the state
24 planning and budgeting system. The Department of Children and
25 Family Health and Rehabilitative Services shall provide
26 information on the child welfare system requested by the Child
27 Welfare System Estimating Conference, or individual conference
28 principals, in a timely manner.

29 Section 114. Section 232.50, Florida Statutes, is
30 amended to read:

31 232.50 Child abuse, abandonment, and neglect

1 policy.--Every school board shall by March 1, 1985:

2 (1) Post in a prominent place in each school a notice
3 that, pursuant to chapter 39 415, all employees or agents of
4 the district school board have an affirmative duty to report
5 all actual or suspected cases of child abuse, abandonment, or
6 neglect, have immunity from liability if they report such
7 cases in good faith, and have a duty to comply with child
8 protective investigations and all other provisions of law
9 relating to child abuse, abandonment, and neglect. The notice
10 shall also include the statewide toll-free telephone number of
11 the state abuse registry.

12 (2) Provide that the superintendent, or the
13 superintendent's designee, at the request of the Department of
14 Children and Family Health and Rehabilitative Services, will
15 act as a liaison to the Department of Children and Family
16 ~~Health and Rehabilitative~~ Services and the child protection
17 team, as defined in s. 39.01 415.503, when in a case of
18 suspected child abuse, abandonment, or neglect or an unlawful
19 sexual offense involving a child the case is referred to such
20 a team; except that this subsection may in no instance be
21 construed as relieving or restricting the Department of
22 Children and Family Health and Rehabilitative Services from
23 discharging its duty and responsibility under the law to
24 investigate and report every suspected or actual case of child
25 abuse, abandonment, or neglect or unlawful sexual offense
26 involving a child.

27
28 Each district school board shall comply with the provisions of
29 this section, and such board shall notify the Department of
30 Education and the Department of Children and Family Health and
31 ~~Rehabilitative~~ Services of its compliance by March 1, 1985.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 Section 115. Paragraph (a) of subsection (2) of
2 section 318.21, Florida Statutes, as amended by section 2(1)
3 of chapter 97-235, Laws of Florida, is amended 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) Fifteen and six-tenths percent shall be paid to
10 the General Revenue Fund of the state, except that the first
11 \$300,000 shall be deposited into the Grants and Donations
12 Trust Fund in the Department of Children and Family Services
13 for 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 116. Effective July 1, 1999, paragraph (a) of
17 subsection (2) of section 318.21, as amended by section 3(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) Ten 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 117. Effective July 1, 2000, paragraph (a) of

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 subsection (2) of section 318.21, Florida Statutes, as amended
2 by section 4(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) Five and six-tenths percent shall be paid to the
10 General Revenue Fund of the state, except that the first
11 \$300,000 shall be deposited into the Grants and Donations
12 Trust Fund in the Department of Children and Family Services
13 for 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 118. Effective July 1, 2001, paragraph (a) of
17 subsection (2) of section 318.21, Florida Statutes, as amended
18 by section 5(1) of chapter 97-235, Laws of Florida, is amended
19 to 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 County Article V Trust Fund, except that the first \$300,000
27 shall be deposited into the Grants and Donations Trust Fund in
28 the Department of Children and Family Services for
29 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~~.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 Section 119. Effective July 1, 2002, paragraph (a) of
2 subsection (2) of section 318.21, Florida Statutes, as amended
3 by section 6 of chapter 97-235, Laws of Florida, is amended to
4 read:

5 318.21 Disposition of civil penalties by county
6 courts.--All civil penalties received by a county court
7 pursuant to the provisions of this chapter shall be
8 distributed and paid monthly as follows:

9 (2) Of the remainder:

10 (a) Twenty and six-tenths percent shall be paid to the
11 General Revenue Fund of the state, except that the first
12 \$300,000 shall be deposited into the Grants and Donations
13 Trust Fund in the Department of Children and Family Services
14 for administrative costs, training costs, and costs associated
15 with the implementation and maintenance of Florida foster care
16 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

17 Section 120. Paragraph (e) of subsection (1) of
18 section 384.29, Florida Statutes, is amended to read:

19 384.29 Confidentiality.--

20 (1) All information and records held by the department
21 or its authorized representatives relating to known or
22 suspected cases of sexually transmissible diseases are
23 strictly confidential and exempt from the provisions of s.
24 119.07(1). Such information shall not be released or made
25 public by the department or its authorized representatives, or
26 by a court or parties to a lawsuit upon revelation by
27 subpoena, except under the following circumstances:

28 (e) When made to the proper authorities as required by
29 chapter 39 or chapter 415.

30 Section 121. Paragraph (e) of subsection (1) of
31 section 392.65, Florida Statutes, is amended to read:

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 392.65 Confidentiality.--

2 (1) All information and records held by the department
3 or its authorized representatives relating to known or
4 suspected cases of tuberculosis or exposure to tuberculosis
5 shall be strictly confidential and exempt from s. 119.07(1).
6 Such information shall not be released or made public by the
7 department or its authorized representatives or by a court or
8 parties to a lawsuit, except that release may be made under
9 the following circumstances:

10 (e) When made to the proper authorities as required by
11 chapter 39 or chapter 415.

12 Section 122. The introductory paragraph of subsection
13 (14) of section 393.063, Florida Statutes, is amended to read:

14 393.063 Definitions.--For the purposes of this
15 chapter:

16 (14) "Direct service provider," also known as
17 "caregiver" in chapters 39 and ~~chapter~~ 415 or "caretaker" in
18 provisions relating to employment security checks, means a
19 person 18 years of age or older who has direct contact with
20 individuals with developmental disabilities and is unrelated
21 to the individuals with developmental disabilities.

22 Section 123. Section 395.1023, Florida Statutes, is
23 amended to read:

24 395.1023 Child abuse and neglect cases; duties.--Each
25 licensed facility shall adopt a protocol that, at a minimum,
26 requires the facility to:

27 (1) Incorporate a facility policy that every staff
28 member has an affirmative duty to report, pursuant to chapter
29 39 ~~415~~, any actual or suspected case of child abuse,
30 abandonment, or neglect; and

31 (2) In any case involving suspected child abuse,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 abandonment, or neglect, designate, at the request of the
2 department, a staff physician to act as a liaison between the
3 hospital and the Department of Children and Family Services
4 office which is investigating the suspected abuse,
5 abandonment, or neglect, and the child protection team, as
6 defined in s. 39.01 ~~415.503~~, when the case is referred to such
7 a team.

8
9 Each general hospital and appropriate specialty hospital shall
10 comply with the provisions of this section and shall notify
11 the agency and the department of its compliance by sending a
12 copy of its policy to the agency and the department as
13 required by rule. The failure by a general hospital or
14 appropriate specialty hospital to comply shall be punished by
15 a fine not exceeding \$1,000, to be fixed, imposed, and
16 collected by the agency. Each day in violation is considered
17 a separate offense.

18 Section 124. Section 400.4174, Florida Statutes, is
19 amended to read:

20 400.4174 Reports of abuse in facilities.--When an
21 employee, volunteer, administrator, or owner of a facility has
22 a confirmed report of adult abuse, neglect, or exploitation,
23 as defined in s. 415.102, or a judicially determined report of
24 child abuse, abandonment, or neglect, as defined in s. 39.01
25 ~~415.503~~, and the protective investigator knows that the
26 individual is an employee, volunteer, administrator, or owner
27 of a facility, the agency shall be notified of the ~~confirmed~~
28 report.

29 Section 125. Paragraph (c) of subsection (2) of
30 section 400.556, Florida Statutes, is amended to read:

31 400.556 Denial, suspension, revocation of license;

1 administrative fines; investigations and inspections.--

2 (2) Each of the following actions by the owner of an
3 adult day care center or by its operator or employee is a
4 ground for action by the agency against the owner of the
5 center or its operator or employee:

6 (c) A confirmed report of adult abuse, neglect, or
7 exploitation, as defined in s. 415.102, or a report of child
8 abuse, abandonment, or neglect, as defined in s. 39.01
9 415.503, which report has been upheld following a hearing held
10 pursuant to chapter 120 or a waiver of such hearing.

11 Section 126. Paragraph (a) of subsection (8) of
12 section 402.165, Florida Statutes, is amended to read:

13 402.165 Statewide Human Rights Advocacy Committee;
14 confidential records and meetings.--

15 (8)(a) In the performance of its duties, the Statewide
16 Human Rights Advocacy Committee shall have:

17 1. Authority to receive, investigate, seek to
18 conciliate, hold hearings on, and act on complaints which
19 allege any abuse or deprivation of constitutional or human
20 rights of clients.

21 2. Access to all client records, files, and reports
22 from any program, service, or facility that is operated,
23 funded, licensed, or regulated by the Department of Children
24 and Family ~~Health and Rehabilitative~~ Services and any records
25 which are material to its investigation and which are in the
26 custody of any other agency or department of government. The
27 committee's investigation or monitoring shall not impede or
28 obstruct matters under investigation by law enforcement or
29 judicial authorities. Access shall not be granted if a
30 specific procedure or prohibition for reviewing records is
31 required by federal law and regulation which supersedes state

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 law. Access shall not be granted to the records of a private
2 licensed practitioner who is providing services outside
3 agencies and facilities and whose client is competent and
4 refuses disclosure.

5 3. Standing to petition the circuit court for access
6 to client records which are confidential as specified by law.
7 The petition shall state the specific reasons for which the
8 committee is seeking access and the intended use of such
9 information. The court may authorize committee access to such
10 records upon a finding that such access is directly related to
11 an investigation regarding the possible deprivation of
12 constitutional or human rights or the abuse of a client.
13 Original client files, records, and reports shall not be
14 removed from the Department of Children and Family Health and
15 ~~Rehabilitative~~ Services or agency facilities. Under no
16 circumstance shall the committee have access to confidential
17 adoption records in accordance with the provisions of ss.
18 39.0132 ~~39.411~~, 63.022, and 63.162. Upon completion of a
19 general investigation of practices and procedures of the
20 Department of Children and Family Health and Rehabilitative
21 Services, the committee shall report its findings to that
22 department.

23 Section 127. Paragraph (a) of subsection (8) of
24 section 402.166, Florida Statutes, is amended to read:

25 402.166 District human rights advocacy committees;
26 confidential records and meetings.--

27 (8)(a) In the performance of its duties, a district
28 human rights advocacy committee shall have:

29 1. Access to all client records, files, and reports
30 from any program, service, or facility that is operated,
31 funded, licensed, or regulated by the Department of Children

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 and Family ~~Health and Rehabilitative~~ Services and any records
2 which are material to its investigation and which are in the
3 custody of any other agency or department of government. The
4 committee's investigation or monitoring shall not impede or
5 obstruct matters under investigation by law enforcement or
6 judicial authorities. Access shall not be granted if a
7 specific procedure or prohibition for reviewing records is
8 required by federal law and regulation which supersedes state
9 law. Access shall not be granted to the records of a private
10 licensed practitioner who is providing services outside
11 agencies and facilities and whose client is competent and
12 refuses disclosure.

13 2. Standing to petition the circuit court for access
14 to client records which are confidential as specified by law.
15 The petition shall state the specific reasons for which the
16 committee is seeking access and the intended use of such
17 information. The court may authorize committee access to such
18 records upon a finding that such access is directly related to
19 an investigation regarding the possible deprivation of
20 constitutional or human rights or the abuse of a client.
21 Original client files, records, and reports shall not be
22 removed from Department of Children and Family ~~Health and~~
23 ~~Rehabilitative~~ Services or agency facilities. Upon no
24 circumstances shall the committee have access to confidential
25 adoption records in accordance with the provisions of ss.
26 39.0132 ~~39.411~~, 63.022, and 63.162. Upon completion of a
27 general investigation of practices and procedures of the
28 Department of Children and Family ~~Health and Rehabilitative~~
29 Services, the committee shall report its findings to that
30 department.

31 Section 128. Section 409.1672, Florida Statutes, is

231

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03197-0085-485207

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 amended to read:

2 409.1672 Incentives for department employees.--In
3 order to promote accomplishing the goal of family
4 preservation, family reunification, or permanent placement of
5 a child in an adoptive home, the department may, pursuant to
6 s. 110, chapter 92-142, Laws of Florida, or subsequent
7 legislative authority and within existing resources, develop
8 monetary performance incentives such as bonuses, salary
9 increases, and educational enhancements for department
10 employees engaged in positions and activities related to the
11 child welfare system under chapter 39, ~~chapter 415~~, or this
12 chapter who demonstrate outstanding work in these areas.

13 Section 129. Subsection (8) and paragraph (c) of
14 subsection (9) of section 409.176, Florida Statutes, are
15 amended to read:

16 409.176 Registration of residential child-caring
17 agencies and family foster homes.--

18 (8) The provisions of chapters 39 ~~415~~ and 827
19 regarding child abuse, abandonment, and neglect and the
20 provisions of s. 409.175 and chapter 435 regarding screening
21 apply to any facility registered under this section.

22 (9) The qualified association may deny, suspend, or
23 revoke the registration of a Type II facility which:

24 (c) Violates the provisions of chapter 39 ~~415~~ or
25 chapter 827 regarding child abuse, abandonment, and neglect or
26 the provisions of s. 409.175 or chapter 435 regarding
27 screening.

28
29 The qualified association shall notify the department within
30 10 days of the suspension or revocation of the registration of
31 any Type II facility registered under this section.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 Section 130. Paragraph (b) of subsection (10) of
2 section 409.2554, Florida Statutes, is amended to read:

3 409.2554 Definitions.--As used in ss.
4 409.2551-409.2598, the term:

5 (10) "Support" means:

6 (b) Support for a child who is placed under the
7 custody of someone other than the custodial parent pursuant to
8 s. 39.508 ~~39.41~~.

9 Section 131. Section 409.2577, Florida Statutes, is
10 amended to read:

11 409.2577 Parent locator service.--The department shall
12 establish a parent locator service to assist in locating
13 parents who have deserted their children and other persons
14 liable for support of dependent children. The department
15 shall use all sources of information available, including the
16 Federal Parent Locator Service, and may request and shall
17 receive information from the records of any person or the
18 state or any of its political subdivisions or any officer
19 thereof. Any agency as defined in s. 120.52, any political
20 subdivision, and any other person shall, upon request, provide
21 the department any information relating to location, salary,
22 insurance, social security, income tax, and employment history
23 necessary to locate parents who owe or potentially owe a duty
24 of support pursuant to Title IV-D of the Social Security Act.
25 This provision shall expressly take precedence over any other
26 statutory nondisclosure provision which limits the ability of
27 an agency to disclose such information, except that law
28 enforcement information as provided in s. 119.07(3)(i) is not
29 required to be disclosed, and except that confidential
30 taxpayer information possessed by the Department of Revenue
31 shall be disclosed only to the extent authorized in s.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 213.053(15). Nothing in this section requires the disclosure
2 of information if such disclosure is prohibited by federal
3 law. Information gathered or used by the parent locator
4 service is confidential and exempt from the provisions of s.
5 119.07(1). Additionally, the department is authorized to
6 collect any additional information directly bearing on the
7 identity and whereabouts of a person owing or asserted to be
8 owing an obligation of support for a dependent child.
9 Information gathered or used by the parent locator service is
10 confidential and exempt from the provisions of s. 119.07(1).
11 The department may make such information available only to
12 public officials and agencies of this state; political
13 subdivisions of this state; the custodial parent, legal
14 guardian, attorney, or agent of the child; and other states
15 seeking to locate parents who have deserted their children and
16 other persons liable for support of dependents, for the sole
17 purpose of establishing, modifying, or enforcing their
18 liability for support, and shall make such information
19 available to the Department of Children and Family Services
20 for the purpose of diligent search activities pursuant to
21 chapter 39. If the department has reasonable evidence of
22 domestic violence or child abuse and the disclosure of
23 information could be harmful to the custodial parent or the
24 child of such parent, the child support program director or
25 designee shall notify the Department of Children and Family
26 Services and the Secretary of the United States Department of
27 Health and Human Services of this evidence. Such evidence is
28 sufficient grounds for the department to disapprove an
29 application for location services.

30 Section 132. Subsection (29) of section 409.912,
31 Florida Statutes, is amended to read:

234

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115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 409.912 Cost-effective purchasing of health care.--The
2 agency shall purchase goods and services for Medicaid
3 recipients in the most cost-effective manner consistent with
4 the delivery of quality medical care. The agency shall
5 maximize the use of prepaid per capita and prepaid aggregate
6 fixed-sum basis services when appropriate and other
7 alternative service delivery and reimbursement methodologies,
8 including competitive bidding pursuant to s. 287.057, designed
9 to facilitate the cost-effective purchase of a case-managed
10 continuum of care. The agency shall also require providers to
11 minimize the exposure of recipients to the need for acute
12 inpatient, custodial, and other institutional care and the
13 inappropriate or unnecessary use of high-cost services.

14 (29) Each managed care plan that is under contract
15 with the agency to provide health care services to Medicaid
16 recipients shall annually conduct a background check with the
17 Florida Department of Law Enforcement of all persons with
18 ownership interest of 5 percent or more or executive
19 management responsibility for the managed care plan and shall
20 submit to the agency information concerning any such person
21 who has been found guilty of, regardless of adjudication, or
22 has entered a plea of nolo contendere or guilty to, any of the
23 offenses listed in s. 435.03 or has a confirmed report of
24 abuse, neglect, or exploitation pursuant to ~~part I~~ of chapter
25 415.

26 Section 133. Paragraph (a) of subsection (1) of
27 section 409.9126, Florida Statutes, is amended to read:

28 409.9126 Children with special health care needs.--

29 (1) As used in this section:

30 (a) "Children's Medical Services network" means an
31 alternative service network that includes health care

1 providers and health care facilities specified in chapter 391
2 and ss. 39.303, 383.15-383.21, and 383.216, ~~and 415.5055.~~

3 Section 134. Paragraph (f) of subsection (5) of
4 section 414.065, Florida Statutes, is amended to read:

5 414.065 Work requirements.--

6 (5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
7 CHILDREN; PROTECTIVE PAYEES.--

8 (f) If the department is unable to designate a
9 qualified protective payee or authorized representative, a
10 referral shall be made under the provisions of chapter 39 ~~415~~
11 for protective intervention.

12 Section 135. Section 435.045, Florida Statutes, is
13 created to read:

14 435.045 Requirements for prospective foster or
15 adoptive parents.--

16 (1) Unless an election provided for in subsection (2)
17 is made with respect to the state, the department shall
18 conduct criminal records checks equivalent to the level 2
19 screening required in s. 435.04(1) for any prospective foster
20 or adoptive parent before the foster or adoptive parent may be
21 finally approved for placement of a child on whose behalf
22 foster care maintenance payments or adoption assistance
23 payments under s. 471 of the Social Security Act, 42 U.S.C.
24 671, are to be made. Approval shall not be granted:

25 (a) In any case in which a record check reveals a
26 felony conviction for child abuse, abandonment, or neglect;
27 for spousal abuse; for a crime against children, including
28 child pornography, or for a crime involving violence,
29 including rape, sexual assault, or homicide but not including
30 other physical assault or battery, if the department finds
31 that a court of competent jurisdiction has determined that the

1 felony was committed at any time; and

2 (b) In any case in which a record check reveals a
3 felony conviction for physical assault, battery, or a
4 drug-related offense, if the department finds that a court of
5 competent jurisdiction has determined that the felony was
6 committed within the past 5 years.

7 (2) For purposes of this section, and ss. 39.401(3)
8 and 39.508(9)(b) and (10)(a), the department and its
9 authorized agents or contract providers are hereby designated
10 a criminal justice agency for the purposes of accessing
11 criminal justice information, including National Crime
12 Information Center information, to be used for enforcing
13 Florida's laws concerning the crimes of child abuse,
14 abandonment, and neglect. This information shall be used
15 solely for purposes supporting the detection, apprehension,
16 prosecution, pretrial release, posttrial release, or
17 rehabilitation of criminal offenders or persons accused of the
18 crimes of child abuse, abandonment, or neglect and shall not
19 be further disseminated or used for any other purposes.

20 (3) Subsection (2) shall not apply if the Governor has
21 notified the Secretary of the United States Department of
22 Health and Human Services in writing that the state has
23 elected to make subsection (2) inapplicable to the state, or
24 if the Legislature, by law, has elected to make subsection (2)
25 inapplicable to the state.

26 Section 136. Section 447.401, Florida Statutes, is
27 amended to read:

28 447.401 Grievance procedures.--Each public employer
29 and bargaining agent shall negotiate a grievance procedure to
30 be used for the settlement of disputes between employer and
31 employee, or group of employees, involving the interpretation

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 or application of a collective bargaining agreement. Such
2 grievance procedure shall have as its terminal step a final
3 and binding disposition by an impartial neutral, mutually
4 selected by the parties; however, when the issue under appeal
5 is an allegation of abuse, abandonment, or neglect by an
6 employee under s. 39.201 or s. 415.1075 ~~or s. 415.504~~, the
7 grievance may not be decided until the abuse, abandonment, or
8 neglect of a child has been judicially determined or until a
9 confirmed report of abuse or neglect of a disabled adult or
10 elderly person has been upheld pursuant to the procedures for
11 appeal in ~~s. ss. 415.1075 and 415.504~~. However, an arbiter or
12 other neutral shall not have the power to add to, subtract
13 from, modify, or alter the terms of a collective bargaining
14 agreement. If an employee organization is certified as the
15 bargaining agent of a unit, the grievance procedure then in
16 existence may be the subject of collective bargaining, and any
17 agreement which is reached shall supersede the previously
18 existing procedure. All public employees shall have the right
19 to a fair and equitable grievance procedure administered
20 without regard to membership or nonmembership in any
21 organization, except that certified employee organizations
22 shall not be required to process grievances for employees who
23 are not members of the organization. A career service
24 employee shall have the option of utilizing the civil service
25 appeal procedure, an unfair labor practice procedure, or a
26 grievance procedure established under this section, but such
27 employee is precluded from availing himself or herself to more
28 than one of these procedures.

29 Section 137. Paragraph (d) of subsection (1) of
30 section 464.018, Florida Statutes, is amended to read:

31 464.018 Disciplinary actions.--

- 1 (1) The following acts shall be grounds for
- 2 disciplinary action set forth in this section:
- 3 (d) Being found guilty, regardless of adjudication, of
- 4 any of the following offenses:
- 5 1. A forcible felony as defined in chapter 776.
- 6 2. A violation of chapter 812, relating to theft,
- 7 robbery, and related crimes.
- 8 3. A violation of chapter 817, relating to fraudulent
- 9 practices.
- 10 4. A violation of chapter 800, relating to lewdness
- 11 and indecent exposure.
- 12 5. A violation of chapter 784, relating to assault,
- 13 battery, and culpable negligence.
- 14 6. A violation of chapter 827, relating to child
- 15 abuse.
- 16 7. A violation of chapter 415, relating to protection
- 17 from abuse, neglect, and exploitation.
- 18 8. A violation of chapter 39, relating to child abuse,
- 19 abandonment, and neglect.

20 Section 138. Paragraph (a) of subsection (2) of

21 section 490.014, Florida Statutes, is amended to read:

22 490.014 Exemptions.--

23 (2) No person shall be required to be licensed or

24 provisionally licensed under this chapter who:

- 25 (a) Is a salaried employee of a government agency;
- 26 developmental services program, mental health, alcohol, or
- 27 drug abuse facility operating pursuant to chapter 393, chapter
- 28 394, or chapter 397; subsidized child care program, subsidized
- 29 child care case management program, or child care resource and
- 30 referral program operating pursuant to chapter 402;
- 31 child-placing or child-caring agency licensed pursuant to

1 chapter 409; domestic violence center certified pursuant to
 2 chapter 39 ~~415~~; accredited academic institution; or research
 3 institution, if such employee is performing duties for which
 4 he or she was trained and hired solely within the confines of
 5 such agency, facility, or institution.

6 Section 139. Paragraph (a) of subsection (4) of
 7 section 491.014, Florida Statutes, is amended to read:

8 491.014 Exemptions.--

9 (4) No person shall be required to be licensed,
 10 provisionally licensed, registered, or certified under this
 11 chapter who:

12 (a) Is a salaried employee of a government agency;
 13 developmental services program, mental health, alcohol, or
 14 drug abuse facility operating pursuant to chapter 393, chapter
 15 394, or chapter 397; subsidized child care program, subsidized
 16 child care case management program, or child care resource and
 17 referral program operating pursuant to chapter 402;
 18 child-placing or child-caring agency licensed pursuant to
 19 chapter 409; domestic violence center certified pursuant to
 20 chapter 39 ~~415~~; accredited academic institution; or research
 21 institution, if such employee is performing duties for which
 22 he or she was trained and hired solely within the confines of
 23 such agency, facility, or institution.

24 Section 140. Paragraph (b) of subsection (3) of
 25 section 741.30, Florida Statutes, is amended to read:

26 741.30 Domestic violence; injunction; powers and
 27 duties of court and clerk; petition; notice and hearing;
 28 temporary injunction; issuance of injunction; statewide
 29 verification system; enforcement.--

30 (3)

31 (b) The sworn petition shall be in substantially the

1 following form:

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PETITION FOR
INJUNCTION FOR PROTECTION
AGAINST DOMESTIC VIOLENCE

Before me, the undersigned authority, personally appeared
Petitioner ...(Name)..., who has been sworn and says that the
following statements are true:

(a) Petitioner resides at: ...(address)...

(Petitioner may furnish address to the court in a
separate confidential filing if, for safety reasons, the
petitioner requires the location of the current residence to
be confidential.)

(b) Respondent resides at: ...(last known address)...

(c) Respondent's last known place of employment:
...(name of business and address)...

(d) Physical description of respondent:

Race....

Sex....

Date of birth....

Height....

Weight....

Eye color....

Hair color....

Distinguishing marks or scars....

(e) Aliases of respondent:

(f) Respondent is the spouse or former spouse of the
petitioner or is any other person related by blood or marriage
to the petitioner or is any other person who is or was
residing within a single dwelling unit with the petitioner, as

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 if a family, or is a person with whom the petitioner has a
2 child in common, regardless of whether the petitioner and
3 respondent are or were married or residing together, as if a
4 family.

5 (g) The following describes any other cause of action
6 currently pending between the petitioner and respondent:
7

8 The petitioner should also describe any previous or
9 pending attempts by the petitioner to obtain an injunction for
10 protection against domestic violence in this or any other
11 circuit, and the results of that attempt.....
12
13 Case numbers should be included if available.

14 (h) Petitioner has suffered or has reasonable cause to
15 fear imminent domestic violence because respondent has:

16 (i) Petitioner alleges the following additional
17 specific facts: (mark appropriate sections)

18Petitioner is the custodian of a minor child or
19 children whose names and ages are as follows:

20Petitioner needs the exclusive use and possession
21 of the dwelling that the parties share.

22Petitioner is unable to obtain safe alternative
23 housing because:

24Petitioner genuinely fears that respondent
25 imminently will abuse, remove, or hide the minor child or
26 children from petitioner because:

27
28 (j) Petitioner genuinely fears imminent domestic
29 violence by respondent.

30 (k) Petitioner seeks an injunction: (mark appropriate
31 section or sections)

1 Immediately restraining the respondent from
2 committing any acts of domestic violence.

3 Restraining the respondent from committing any acts
4 of domestic violence.

5 Awarding to the petitioner the temporary exclusive
6 use and possession of the dwelling that the parties share or
7 excluding the respondent from the residence of the petitioner.

8 Awarding temporary custody of, or temporary
9 visitation rights with regard to, the minor child or children
10 of the parties, or prohibiting or limiting visitation to that
11 which is supervised by a third party.

12 Establishing temporary support for the minor child
13 or children or the petitioner.

14 Directing the respondent to participate in a
15 batterers' intervention program or other treatment pursuant to
16 s. 39.901 ~~415.601~~.

17 Providing any terms the court deems necessary for
18 the protection of a victim of domestic violence, or any minor
19 children of the victim, including any injunctions or
20 directives to law enforcement agencies.

21 Section 141. Subsection (3) of section 744.309,
22 Florida Statutes, is amended to read:

23 744.309 Who may be appointed guardian of a resident
24 ward.--

25 (3) DISQUALIFIED PERSONS.--No person who has been
26 convicted of a felony or who, from any incapacity or illness,
27 is incapable of discharging the duties of a guardian, or who
28 is otherwise unsuitable to perform the duties of a guardian,
29 shall be appointed to act as guardian. Further, no person who
30 has been judicially determined to have committed abuse,
31 abandonment, or neglect against a child as defined in s.

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 39.01(2) ~~and (47)~~, or who has a confirmed report of abuse,
2 neglect, or exploitation which has been uncontested or upheld
3 pursuant to the provisions of ss. 415.104 and 415.1075 shall
4 be appointed to act as a guardian. Except as provided in
5 subsection (5) or subsection (6), a person who provides
6 substantial services to the proposed ward in a professional or
7 business capacity, or a creditor of the proposed ward, may not
8 be appointed guardian and retain that previous professional or
9 business relationship. A person may not be appointed a
10 guardian if he or she is in the employ of any person, agency,
11 government, or corporation that provides service to the
12 proposed ward in a professional or business capacity, except
13 that a person so employed may be appointed if he or she is the
14 spouse, adult child, parent, or sibling of the proposed ward
15 or the court determines that the potential conflict of
16 interest is insubstantial and that the appointment would
17 clearly be in the proposed ward's best interest. The court
18 may not appoint a guardian in any other circumstance in which
19 a conflict of interest may occur.

20 Section 142. Section 784.075, Florida Statutes, is
21 amended to read:

22 784.075 Battery on detention or commitment facility
23 staff.--A person who commits a battery on an intake counselor
24 or case manager, as defined in s. 984.03(31) ~~39.01(34)~~, on
25 other staff of a detention center or facility as defined in s.
26 984.03(19) ~~39.01(23)~~, or on a staff member of a commitment
27 facility as defined in s. 985.03(45) ~~39.01(59)(c), (d), or~~
28 ~~(e)~~, commits a felony of the third degree, punishable as
29 provided in s. 775.082, s. 775.083, or s. 775.084. For
30 purposes of this section, a staff member of the facilities
31 listed includes persons employed by the Department of Juvenile

1 Justice, persons employed at facilities licensed by the
2 Department of Juvenile Justice, and persons employed at
3 facilities operated under a contract with the Department of
4 Juvenile Justice.

5 Section 143. Section 933.18, Florida Statutes, is
6 amended to read:

7 933.18 When warrant may be issued for search of
8 private dwelling.--No search warrant shall issue under this
9 chapter or under any other law of this state to search any
10 private dwelling occupied as such unless:

11 (1) It is being used for the unlawful sale,
12 possession, or manufacture of intoxicating liquor;

13 (2) Stolen or embezzled property is contained therein;

14 (3) It is being used to carry on gambling;

15 (4) It is being used to perpetrate frauds and
16 swindles;

17 (5) The law relating to narcotics or drug abuse is
18 being violated therein;

19 (6) A weapon, instrumentality, or means by which a
20 felony has been committed, or evidence relevant to proving
21 said felony has been committed, is contained therein;

22 (7) One or more of the following misdemeanor child
23 abuse offenses is being committed there:

24 (a) Interference with custody, in violation of s.
25 787.03.

26 (b) Commission of an unnatural and lascivious act with
27 a child, in violation of s. 800.02.

28 (c) Exposure of sexual organs to a child, in violation
29 of s. 800.03.

30 (8) It is in part used for some business purpose such
31 as a store, shop, saloon, restaurant, hotel, or boardinghouse,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 or lodginghouse;

2 (9) It is being used for the unlawful sale,
3 possession, or purchase of wildlife, saltwater products, or
4 freshwater fish being unlawfully kept therein; or

5 (10) The laws in relation to cruelty to animals have
6 been or are being violated therein, except that no search
7 pursuant to such a warrant shall be made in any private
8 dwelling after sunset and before sunrise unless specially
9 authorized by the judge issuing the warrant, upon a showing of
10 probable cause. Property relating to the violation of such
11 laws may be taken on a warrant so issued from any private
12 dwelling in which it is concealed or from the possession of
13 any person therein by whom it shall have been used in the
14 commission of such offense or from any person therein in whose
15 possession it may be.

16

17 If, during a search pursuant to a warrant issued under this
18 section, a child is discovered and appears to be in imminent
19 danger, the law enforcement officer conducting such search may
20 remove the child from the private dwelling and take the child
21 into protective custody pursuant to chapter 39 s. 415.506.

22 The term "private dwelling" shall be construed to include the
23 room or rooms used and occupied, not transiently but solely as
24 a residence, in an apartment house, hotel, boardinghouse, or
25 lodginghouse. No warrant shall be issued for the search of
26 any private dwelling under any of the conditions hereinabove
27 mentioned except on sworn proof by affidavit of some
28 creditable witness that he or she has reason to believe that
29 one of said conditions exists, which affidavit shall set forth
30 the facts on which such reason for belief is based.

31 Section 144. Subsection (10) of section 943.045,

246

1 Florida Statutes, is amended to read:

2 943.045 Definitions; ss. 943.045-943.08.--The
3 following words and phrases as used in ss. 943.045-943.08
4 shall have the following meanings:

5 (10) "Criminal justice agency" means:

6 (a) A court.

7 (b) The department.

8 (c) The Department of Juvenile Justice.

9 (d) The Department of Children and and Family
10 Services.

11 (e)~~(d)~~ Any other governmental agency or subunit
12 thereof which performs the administration of criminal justice
13 pursuant to a statute or rule of court and which allocates a
14 substantial part of its annual budget to the administration of
15 criminal justice.

16 Section 145. Section 944.401, Florida Statutes, is
17 amended to read:

18 944.401 Escapes from secure detention or residential
19 commitment facility.--An escape from any secure detention
20 facility maintained for the temporary detention of children,
21 pending adjudication, disposition, or placement; an escape
22 from any residential commitment facility defined in s.
23 985.03(45)~~39-01(59)~~, maintained for the custody, treatment,
24 punishment, or rehabilitation of children found to have
25 committed delinquent acts or violations of law; or an escape
26 from lawful transportation thereto or therefrom constitutes
27 escape within the intent and meaning of s. 944.40 and is a
28 felony of the third degree, punishable as provided in s.
29 775.082, s. 775.083, or s. 775.084.

30 Section 146. Subsection (3) of section 944.705,
31 Florida Statutes, is amended to read:

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 944.705 Release orientation program.--

2 (3) Any inmate who claims to be a victim of domestic
3 violence as defined in s. 741.28 shall receive, as part of the
4 release orientation program, referral to the nearest domestic
5 violence center certified under chapter 39 ss-
6 ~~415.601-415.608~~.

7 Section 147. Subsections (2) and (41) of section
8 984.03, Florida Statutes, as amended by chapter 97-276, Laws
9 of Florida, are amended to read:

10 984.03 Definitions.--When used in this chapter, the
11 term:

12 (2) "Abuse" means any willful act that results in any
13 physical, mental, or sexual injury that causes or is likely to
14 cause the child's physical, mental, or emotional health to be
15 significantly impaired. Corporal discipline of a child by a
16 parent or guardian for disciplinary purposes does not in
17 itself constitute abuse when it does not result in harm to the
18 child as defined in s. 39.01 ~~415.503~~.

19 (41) "Parent" means a woman who gives birth to a child
20 and a man whose consent to the adoption of the child would be
21 required under s. 63.062(1)(b). If a child has been legally
22 adopted, the term "parent" means the adoptive mother or father
23 of the child. The term does not include an individual whose
24 parental relationship to the child has been legally
25 terminated, or an alleged or prospective parent, unless the
26 parental status falls within the terms of either s. 39.503
27 ~~39.4051(7)~~ or s. 63.062(1)(b).

28 Section 148. Subsection (4) of section 984.10, Florida
29 Statutes, is amended to read:

30 984.10 Intake.--

31 (4) If the department has reasonable grounds to

1 believe that the child has been abandoned, abused, or
2 neglected, it shall proceed pursuant to the provisions of ~~s.~~
3 ~~415.505~~ and chapter 39.

4 Section 149. Paragraphs (a) and (c) of subsection (3)
5 of section 984.15, Florida Statutes, are amended to read:

6 984.15 Petition for a child in need of services.--

7 (3)(a) The parent, guardian, or legal custodian may
8 file a petition alleging that a child is a child in need of
9 services if:

10 1. The department waives the requirement for a case
11 staffing committee.

12 2. The department fails to convene a meeting of the
13 case staffing committee within 7 days, excluding weekends and
14 legal holidays, after receiving a written request for such a
15 meeting from the child's parent, guardian, or legal custodian.

16 3. The parent, guardian, or legal custodian does not
17 agree with the plan for services offered by the case staffing
18 committee.

19 4. The department fails to provide a written report
20 within 7 days after the case staffing committee meets, as
21 required under s. 984.12(8)~~39.426(8)~~.

22 (c) The petition must be in writing and must set forth
23 specific facts alleging that the child is a child in need of
24 services as defined in s. 984.03(9)~~39.01~~. The petition must
25 also demonstrate that the parent, guardian, or legal custodian
26 has in good faith, but unsuccessfully, participated in the
27 services and processes described in ss. 984.11 and 984.12
28 ~~39.424 and 39.426~~.

29 Section 150. Section 984.24, Florida Statutes, is
30 amended to read:

31 984.24 Appeal.--The state, any child, or the family,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 guardian ad litem, or legal custodian of any child who is
2 affected by an order of the court pursuant to this chapter
3 ~~part~~ may appeal to the appropriate district court of appeal
4 within the time and in the manner prescribed by the Florida
5 Rules of Appellate Procedure ~~and pursuant to s. 39.413.~~

6 Section 151. Subsection (42) of section 985.03,
7 Florida Statutes, as amended by chapter 97-276, Laws of
8 Florida, is amended to read:

9 985.03 Definitions.--When used in this chapter, the
10 term:

11 (42) "Parent" means a woman who gives birth to a child
12 and a man whose consent to the adoption of the child would be
13 required under s. 63.062(1)(b). If a child has been legally
14 adopted, the term "parent" means the adoptive mother or father
15 of the child. The term does not include an individual whose
16 parental relationship to the child has been legally
17 terminated, or an alleged or prospective parent, unless the
18 parental status falls within the terms of either s. 39.503
19 ~~39.4051(7)~~ or s. 63.062(1)(b).

20 Section 152. Paragraph (c) of subsection (4) of
21 section 985.303, Florida Statutes, is amended to read:

22 985.303 Neighborhood restorative justice.--

23 (4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.--

24 (c) The board shall require the parent or legal
25 guardian of the juvenile who is referred to a Neighborhood
26 Restorative Justice Center to appear with the juvenile before
27 the board at the time set by the board. In scheduling board
28 meetings, the board shall be cognizant of a parent's or legal
29 guardian's other obligations. The failure of a parent or
30 legal guardian to appear at the scheduled board meeting with
31 his or her child or ward may be considered by the juvenile

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 court as an act of child neglect as defined by s. 39.01
2 ~~415.503(3)~~, and the board may refer the matter to the
3 Department of Children and Family Services for investigation
4 under the provisions of chapter 39 415.

5 Section 153. Sections 39.0195, 39.0196, 39.39, 39.403,
6 39.4032, 39.4052, 39.4053, 39.449, 39.45, 39.457, 39.459,
7 39.4625, 39.472, 39.475, 415.5016, 415.50165, 415.5017,
8 415.50175, 415.5018, 415.50185, 415.5019, 415.502, 415.503,
9 415.505, 415.506, 415.5075, 415.509, and 415.514, Florida
10 Statutes, are repealed.

11 Section 154. Except as otherwise provided herein, this
12 act shall take effect October 1 of the year in which enacted.

13
14
15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 remove from the title of the bill: the entire title

18
19 and insert in lieu thereof:

20 An act relating to protection of children;
21 reorganizing and revising ch. 39, F.S.;
22 providing for pt. I of said chapter, entitled
23 "General Provisions"; amending ss. 39.001,
24 39.002, and 415.501, F.S.; revising purposes
25 and intent; providing for personnel standards
26 and screening and for drug testing; amending s.
27 39.01, F.S.; revising definitions; renumbering
28 and amending s. 39.455, F.S., relating to
29 immunity from liability for agents of the
30 Department of Children and Family Services or a
31 social service agency; amending s. 39.012,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 F.S., and creating s. 39.0121, F.S.; providing
2 authority and requirements for department
3 rules; renumbering and amending s. 39.40, F.S.,
4 relating to procedures and jurisdiction;
5 providing for right to counsel; renumbering s.
6 39.4057, F.S., relating to permanent mailing
7 address designation; renumbering and amending
8 s. 39.411, F.S., relating to oaths, records,
9 and confidential information; renumbering s.
10 39.414, F.S., relating to court and witness
11 fees; renumbering and amending ss. 39.415 and
12 39.474, F.S., relating to compensation of
13 appointed counsel; renumbering and amending s.
14 39.418, F.S., relating to the Operations and
15 Maintenance Trust Fund; renumbering and
16 amending s. 415.5015, F.S., relating to child
17 abuse prevention training in the district
18 school system; providing for pt. II of ch. 39,
19 F.S., entitled "Reporting Child Abuse";
20 renumbering and amending s. 415.504, F.S.,
21 relating to mandatory reports of child abuse,
22 abandonment, or neglect; renumbering and
23 amending s. 415.511, F.S., relating to immunity
24 from liability in cases of child abuse,
25 abandonment, or neglect; renumbering and
26 amending s. 415.512, F.S., relating to
27 abrogation of privileged communications in
28 cases of child abuse, abandonment, or neglect;
29 renumbering and amending s. 415.513, F.S.;
30 providing penalties relating to reporting of
31 child abuse, abandonment, or neglect;

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 renumbering and amending s. 415.5131, F.S.,
2 increasing an administrative fine for false
3 reporting; providing for pt. III of ch. 39,
4 F.S., entitled "Protective Investigations";
5 creating s. 39.301, F.S.; providing for child
6 protective investigations; creating s. 39.302,
7 F.S.; providing for protective investigations
8 of institutional child abuse, abandonment, or
9 neglect; renumbering and amending s. 415.5055,
10 F.S., relating to child protection teams and
11 services and eligible cases; creating s.
12 39.3035, F.S.; providing standards for child
13 advocacy centers eligible for state funding;
14 renumbering and amending s. 415.507, F.S.,
15 relating to photographs, medical examinations,
16 X rays, and medical treatment of an abused,
17 abandoned, or neglected child; renumbering and
18 amending s. 415.5095, F.S., relating to a model
19 plan for intervention and treatment in sexual
20 abuse cases; creating s. 39.306, F.S.;
21 providing for working agreements with local law
22 enforcement to perform criminal investigations;
23 renumbering and amending s. 415.50171, F.S.,
24 relating to reports of child-on-child sexual
25 abuse; providing for pt. IV of ch. 39, F.S.,
26 entitled "Family Builders Program"; renumbering
27 and amending s. 415.515, F.S., relating to
28 establishment of the program; renumbering and
29 amending s. 415.516, F.S., relating to goals of
30 the program; renumbering and amending s.
31 415.517, F.S., relating to contracts for

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 services; renumbering and amending s. 415.518,
2 F.S., relating to family eligibility;
3 renumbering s. 415.519, F.S., relating to
4 delivery of services; renumbering and amending
5 s. 415.520, F.S., relating to qualifications of
6 program workers; renumbering s. 415.521, F.S.,
7 relating to outcome evaluation; renumbering and
8 amending s. 415.522, F.S., relating to funding;
9 providing for pt. V of ch. 39, F.S., entitled
10 "Taking Children into Custody and Shelter
11 Hearings"; creating s. 39.395, F.S.; providing
12 for medical or hospital personnel taking a
13 child into protective custody; amending s.
14 39.401, F.S.; providing for law enforcement
15 officers or authorized agents of the department
16 taking a child alleged to be dependent into
17 custody; amending s. 39.402, F.S., relating to
18 placement in a shelter; amending s. 39.407,
19 F.S., relating to physical and mental
20 examination and treatment of a child and
21 physical or mental examination of a person
22 requesting custody; renumbering and amending s.
23 39.4033, F.S., relating to referral of a
24 dependency case to mediation; providing for pt.
25 VI of ch. 39, F.S., entitled "Petition,
26 Arraignment, Adjudication, and Disposition";
27 renumbering and amending s. 39.404, F.S.,
28 relating to petition for dependency;
29 renumbering and amending s. 39.405, F.S.,
30 relating to notice, process, and service;
31 renumbering and amending s. 39.4051, F.S.,

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 relating to procedures when the identity or
2 location of the parent, legal custodian, or
3 caregiver is unknown; renumbering and amending
4 s. 39.4055, F.S., relating to injunction
5 pending disposition of a petition for detention
6 or dependency; renumbering and amending s.
7 39.406, F.S., relating to answers to petitions
8 or other pleadings; renumbering and amending s.
9 39.408(1), F.S., relating to arraignment
10 hearings; renumbering and amending ss.
11 39.408(2) and 39.409, F.S., relating to
12 adjudicatory hearings and orders; renumbering
13 and amending ss. 39.408(3) and (4) and 39.41,
14 F.S., relating to disposition hearings and
15 powers of disposition; creating s. 39.5085,
16 F.S.; establishing the Relative Caregiver
17 Program; providing for assistance and services;
18 authorizing certain funding; renumbering and
19 amending s. 39.4105, F.S., relating to
20 grandparents rights; renumbering and amending
21 s. 39.413, F.S., relating to appeals; providing
22 for pt. VII of ch. 39, F.S., entitled "Case
23 Plans"; renumbering and amending ss. 39.4031
24 and 39.451, F.S., relating to case plan
25 requirements and case planning for children in
26 out-of-home care; renumbering and amending s.
27 39.452(1)-(4), F.S., relating to case planning
28 for children in out-of-home care when the
29 parents, legal custodians, or caregivers do not
30 participate; renumbering and amending s.
31 39.452(5), F.S., relating to court approvals of

1 case planning; providing for pt. VIII of ch.
2 39, F.S., entitled "Judicial Reviews";
3 renumbering and amending s. 39.453, F.S.,
4 relating to judicial review of the status of a
5 child; renumbering and amending s. 39.4531,
6 F.S., relating to citizen review panels;
7 renumbering and amending s. 39.454, F.S.,
8 relating to initiation of proceedings for
9 termination of parental rights; renumbering and
10 amending s. 39.456, F.S.; revising exemptions
11 from judicial review; providing for pt. IX of
12 ch. 39, F.S., entitled "Termination of Parental
13 Rights"; renumbering and amending ss. 39.46 and
14 39.462, F.S., relating to procedures,
15 jurisdiction, and service of process;
16 renumbering and amending ss. 39.461 and
17 39.4611, F.S., relating to petition for
18 termination of parental rights, and filing and
19 elements thereof; creating s. 39.803, F.S.;
20 providing procedures when the identity or
21 location of the parent is unknown after filing
22 a petition for termination of parental rights;
23 renumbering s. 39.4627, F.S., relating to
24 penalties for false statements of paternity;
25 renumbering and amending s. 39.463, F.S.,
26 relating to petitions and pleadings for which
27 no answer is required; renumbering and amending
28 s. 39.464, F.S., relating to grounds for
29 termination of paternal rights; renumbering and
30 amending s. 39.465, F.S., relating to right to
31 counsel and appointment of a guardian ad litem;

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 renumbering and amending s. 39.466, F.S.,
2 relating to advisory hearings; renumbering and
3 amending s. 39.467, F.S., relating to
4 adjudicatory hearings; renumbering and amending
5 s. 39.4612, F.S., relating to the manifest best
6 interests of the child; renumbering and
7 amending s. 39.469, F.S., relating to powers of
8 disposition and order of disposition;
9 renumbering and amending s. 39.47, F.S.,
10 relating to post disposition relief; creating
11 s. 39.813, F.S.; providing for continuing
12 jurisdiction of the court which terminates
13 parental rights over all matters pertaining to
14 the child's adoption; renumbering s. 39.471,
15 F.S., relating to oaths, records, and
16 confidential information; renumbering and
17 amending s. 39.473, F.S., relating to appeal;
18 creating s. 39.816, F.S.; authorizing certain
19 pilot and demonstration projects contingent on
20 receipt of federal grants or contracts;
21 creating s. 39.817, F.S.; providing for a
22 foster care demonstration pilot project;
23 providing for pt. X of ch. 39, F.S., entitled
24 "Guardians Ad Litem and Guardian Advocates";
25 creating s. 39.820, F.S.; providing
26 definitions; renumbering s. 415.5077, F.S.,
27 relating to qualifications of guardians ad
28 litem; renumbering and amending s. 415.508,
29 F.S., relating to appointment of a guardian ad
30 litem for an abused, abandoned, or neglected
31 child; renumbering and amending s. 415.5082,

1 F.S., relating to guardian advocates for drug
2 dependent newborns; renumbering and amending s.
3 415.5083, F.S., relating to procedures and
4 jurisdiction; renumbering s. 415.5084, F.S.,
5 relating to petition for appointment of a
6 guardian advocate; renumbering s. 415.5085,
7 F.S., relating to process and service;
8 renumbering and amending s. 415.5086, F.S.,
9 relating to hearing for appointment of a
10 guardian advocate; renumbering and amending s.
11 415.5087, F.S., relating to grounds for
12 appointment of a guardian advocate; renumbering
13 s. 415.5088, F.S., relating to powers and
14 duties of the guardian advocate; renumbering
15 and amending s. 415.5089, F.S., relating to
16 review and removal of a guardian advocate;
17 providing for pt. XI of ch. 39, F.S., entitled
18 "Domestic Violence"; renumbering s. 415.601,
19 F.S., relating to legislative intent regarding
20 treatment and rehabilitation of victims and
21 perpetrators; renumbering and amending s.
22 415.602, F.S., relating to definitions;
23 renumbering and amending s. 415.603, F.S.,
24 relating to duties and functions of the
25 department; renumbering and amending s.
26 415.604, F.S., relating to an annual report to
27 the Legislature; renumbering and amending s.
28 415.605, F.S., relating to domestic violence
29 centers; renumbering s. 415.606, F.S., relating
30 to referral to such centers and notice of
31 rights; renumbering s. 415.608, F.S., relating

Amendment No. ____ (for drafter's use only)

1 to confidentiality of information received by
2 the department or a center; amending ss. 20.43,
3 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036,
4 154.067, 216.136, 232.50, 318.21, 384.29,
5 392.65, 393.063, 395.1023, 400.4174, 400.556,
6 402.165, 402.166, 409.1672, 409.176, 409.2554,
7 409.912, 409.9126, 414.065, 447.401, 464.018,
8 490.014, 491.014, 741.30, 744.309, 784.075,
9 933.18, 944.401, 944.705, 984.03, 984.10,
10 984.15, 984.24, 985.03, and 985.303, F.S.;
11 correcting cross references; conforming related
12 provisions and references; amending s. 20.19,
13 F.S.; providing for certification programs for
14 family safety and preservation employees of the
15 department; providing for rules; amending ss.
16 213.053 and 409.2577, F.S.; authorizing
17 disclosure of certain confidential taxpayer and
18 parent locator information for diligent search
19 activities under ch. 39, F.S.; creating s.
20 435.045, F.S.; providing background screening
21 requirements for prospective foster or adoptive
22 parents; amending s. 943.045, F.S.; providing
23 that the Department of Children and Family
24 Services is a "criminal justice agency" for
25 purposes of the criminal justice information
26 system; repealing s. 39.0195, F.S., relating to
27 sheltering unmarried minors and aiding
28 unmarried runaways; repealing s. 39.0196, F.S.,
29 relating to children locked out of the home;
30 repealing ss. 39.39, 39.449, and 39.459, F.S.,
31 relating to definition of "department";

Amendment No. ____ (for drafter's use only)

1 repealing s. 39.403, F.S., relating to
2 protective investigation; repealing s. 39.4032,
3 F.S., relating to multidisciplinary case
4 staffing; repealing s. 39.4052, F.S., relating
5 to affirmative duty of written notice to adult
6 relatives; repealing s. 39.4053, F.S., relating
7 to diligent search after taking a child into
8 custody; repealing s. 39.45, F.S., relating to
9 legislative intent regarding foster care;
10 repealing s. 39.457, F.S., relating to a pilot
11 program in Leon County to provide additional
12 benefits to children in foster care; repealing
13 s. 39.4625, F.S., relating to identity or
14 location of parent unknown after filing of
15 petition for termination of parental rights;
16 repealing s. 39.472, F.S., relating to court
17 and witness fees; repealing s. 39.475, F.S.,
18 relating to rights of grandparents; repealing
19 ss. 415.5016, 415.50165, 415.5017, 415.50175,
20 415.5018, 415.50185, and 415.5019, F.S.,
21 relating to purpose and legislative intent,
22 definitions, procedures, confidentiality of
23 records, district authority and
24 responsibilities, outcome evaluation, and rules
25 for the family services response system;
26 repealing s. 415.502, F.S., relating to
27 legislative intent for comprehensive protective
28 services for abused or neglected children;
29 repealing s. 415.503, F.S., relating to
30 definitions; repealing s. 415.505, F.S.,
31 relating to child protective investigations and

115-179X-38

Bill No. CS/HB 3197

Amendment No. ____ (for drafter's use only)

1 investigations of institutional child abuse or
2 neglect; repealing s. 415.506, F.S., relating
3 to taking a child into protective custody;
4 repealing s. 415.5075, F.S., relating to rules
5 for medical screening and treatment of
6 children; repealing s. 415.509, F.S., relating
7 to public agencies' responsibilities for
8 prevention, identification, and treatment of
9 child abuse and neglect; repealing s. 415.514,
10 F.S., relating to rules for protective
11 services; providing effective dates.

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