

By Representative Lynn

1 A bill to be entitled
2 An act relating to protection of children;
3 reorganizing and revising ch. 39, F.S.;
4 providing for pt. I of said chapter, entitled
5 "General Provisions"; amending ss. 39.001 and
6 39.002, F.S.; revising purposes and intent;
7 providing for personnel standards and screening
8 and for drug testing; amending s. 39.01, F.S.;
9 revising definitions; renumbering and amending
10 s. 39.455, F.S., relating to immunity from
11 liability for agents of the Department of
12 Children and Family Services or a social
13 service agency; amending s. 39.012, F.S.;
14 providing requirements for department rules;
15 renumbering and amending s. 39.40, F.S.,
16 relating to procedures and jurisdiction;
17 providing for right to counsel; renumbering s.
18 39.4057, F.S., relating to permanent mailing
19 address designation; renumbering and amending
20 s. 39.411, F.S., relating to oaths, records,
21 and confidential information; renumbering s.
22 39.414, F.S., relating to court and witness
23 fees; renumbering and amending ss. 39.415 and
24 39.474, F.S., relating to compensation of
25 appointed counsel; renumbering and amending s.
26 39.418, F.S., relating to the Operations and
27 Maintenance Trust Fund; providing for pt. II of
28 ch. 39, F.S., entitled "Reporting Child Abuse";
29 renumbering and amending s. 415.504, F.S.,
30 relating to mandatory reports of child abuse,
31 abandonment, or neglect; renumbering and

1 amending s. 415.51, F.S., relating to
2 confidentiality of reports and records in cases
3 of child abuse, abandonment, or neglect;
4 renumbering and amending s. 415.511, F.S.,
5 relating to immunity from liability in cases of
6 child abuse, abandonment, or neglect;
7 renumbering and amending s. 415.512, F.S.,
8 relating to abrogation of privileged
9 communications in cases of child abuse,
10 abandonment, or neglect; renumbering and
11 amending s. 415.513, F.S., relating to
12 penalties relating to reporting of child abuse,
13 abandonment, or neglect; renumbering and
14 amending s. 415.5131, F.S., relating to
15 administrative fines for false reporting;
16 providing for pt. III of ch. 39, F.S., entitled
17 "Protective Investigations"; creating s.
18 39.301, F.S.; providing for child protective
19 investigations; creating s. 39.302, F.S.;
20 providing for protective investigations of
21 institutional child abuse, abandonment, or
22 neglect; renumbering and amending s. 415.5055,
23 F.S., relating to child protection teams and
24 services and eligible cases; creating s.
25 39.3035, F.S.; providing standards for child
26 advocacy centers eligible for state funding;
27 renumbering and amending s. 415.507, F.S.,
28 relating to photographs, medical examinations,
29 X rays, and medical treatment of an abused,
30 abandoned, or neglected child; renumbering and
31 amending s. 415.5095, F.S., relating to a model

1 plan for intervention and treatment in sexual
2 abuse cases; creating s. 39.306, F.S.;
3 providing for working agreements with local law
4 enforcement to perform criminal investigations;
5 renumbering and amending s. 415.50171, F.S.,
6 relating to reports of child-on-child sexual
7 abuse; providing for pt. IV of ch. 39, F.S.,
8 entitled "Family Builders Program"; renumbering
9 and amending s. 415.515, F.S., relating to
10 establishment of the program; renumbering and
11 amending s. 415.516, F.S., relating to goals of
12 the program; renumbering and amending s.
13 415.517, F.S., relating to contracts for
14 services; renumbering and amending s. 415.518,
15 F.S., relating to family eligibility;
16 renumbering s. 415.519, F.S., relating to
17 delivery of services; renumbering and amending
18 s. 415.520, F.S., relating to qualifications of
19 program workers; renumbering s. 415.521, F.S.,
20 relating to outcome evaluation; renumbering and
21 amending s. 415.522, F.S., relating to funding;
22 providing for pt. V of ch. 39, F.S., entitled
23 "Taking Children into Custody and Shelter
24 Hearings"; creating s. 39.395, F.S.; providing
25 for medical or hospital personnel taking a
26 child into protective custody; amending s.
27 39.401, F.S.; providing for law enforcement
28 officers or authorized agents of the department
29 taking a child alleged to be dependent into
30 custody; amending s. 39.402, F.S., relating to
31 placement in a shelter; amending s. 39.407,

1 F.S., relating to physical and mental
2 examination and treatment of a child and
3 physical or mental examination of a person
4 requesting custody; renumbering and amending s.
5 39.4033, F.S., relating to referral of a
6 dependency case to mediation; providing for pt.
7 VI of ch. 39, F.S., entitled "Petition,
8 Arraignment, Adjudication, and Disposition";
9 renumbering and amending s. 39.404, F.S.,
10 relating to petition for dependency;
11 renumbering and amending s. 39.405, F.S.,
12 relating to notice, process, and service;
13 renumbering and amending s. 39.4051, F.S.,
14 relating to procedures when the identity or
15 location of the parent, legal custodian, or
16 caregiver is unknown; renumbering and amending
17 s. 39.4055, F.S., relating to injunction
18 pending disposition of a petition for detention
19 or dependency; renumbering and amending s.
20 39.406, F.S., relating to answers to petitions
21 or other pleadings; renumbering and amending s.
22 39.408(1), F.S., relating to arraignment
23 hearings; renumbering and amending ss.
24 39.408(2) and 39.409, F.S., relating to
25 adjudicatory hearings and orders; renumbering
26 and amending ss. 39.408(3) and (4) and 39.41,
27 F.S., relating to disposition hearings and
28 powers of disposition; renumbering and amending
29 s. 39.4105, F.S., relating to grandparents
30 rights; renumbering and amending s. 39.413,
31 F.S., relating to appeals; providing for pt.

1 VII of ch. 39, F.S., entitled "Case Plans";
2 renumbering and amending s. 39.4031, F.S.,
3 relating to case plan requirements and case
4 planning for children in out-of-home care;
5 renumbering and amending s. 39.452(1)-(4),
6 F.S., relating to case planning for children in
7 out-of-home care when the parents, legal
8 custodians, or caregivers do not participate;
9 renumbering and amending s. 39.452(5), F.S.,
10 relating to court approvals of case planning;
11 providing for pt. VIII of ch. 39, F.S.,
12 entitled "Judicial Reviews"; renumbering and
13 amending s. 39.453, F.S., relating to judicial
14 review of the status of a child; renumbering
15 and amending s. 39.4531, F.S., relating to
16 citizen review panels; renumbering and amending
17 s. 39.454, F.S., relating to initiation of
18 proceedings for termination of parental rights;
19 renumbering and amending s. 39.456, F.S.,
20 relating to exemptions from judicial review;
21 providing for pt. IX of ch. 39, F.S., entitled
22 "Termination of Parental Rights"; renumbering
23 and amending ss. 39.46 and 39.462, F.S.,
24 relating to procedures, jurisdiction, and
25 service of process; renumbering and amending
26 ss. 39.461 and 39.4611, F.S., relating to
27 petition for termination of parental rights,
28 and filing and elements thereof; creating s.
29 39.803, F.S.; providing procedures when the
30 identity or location of the parent is unknown
31 after filing a petition for termination of

1 parental rights; renumbering s. 39.4627, F.S.,
2 relating to penalties for false statements of
3 paternity; renumbering and amending s. 39.463,
4 F.S., relating to petitions and pleadings for
5 which no answer is required; renumbering and
6 amending s. 39.464, F.S., relating to grounds
7 for termination of paternal rights; renumbering
8 and amending s. 39.465, F.S., relating to right
9 to counsel and appointment of a guardian ad
10 litem; renumbering and amending s. 39.466,
11 F.S., relating to advisory hearings;
12 renumbering and amending s. 39.467, F.S.,
13 relating to adjudicatory hearings; renumbering
14 and amending s. 39.4612, F.S., relating to the
15 manifest best interests of the child;
16 renumbering and amending s. 39.469, F.S.,
17 relating to powers of disposition and order of
18 disposition; renumbering and amending s. 39.47,
19 F.S., relating to post disposition relief;
20 creating s. 39.813, F.S.; providing for
21 continuing jurisdiction of the court which
22 terminates parental rights over all matters
23 pertaining to the child's adoption; renumbering
24 s. 39.471, F.S., relating to oaths, records,
25 and confidential information; renumbering and
26 amending s. 39.473, F.S., relating to appeal;
27 creating s. 39.816, F.S.; authorizing certain
28 pilot and demonstration projects contingent on
29 receipt of federal grants or contracts;
30 providing for pt. X of ch. 39, F.S., entitled
31 "Domestic Violence"; renumbering s. 415.601,

1 F.S., relating to legislative intent regarding
2 treatment and rehabilitation of victims and
3 perpetrators; renumbering and amending s.
4 415.602, F.S., relating to definitions;
5 renumbering and amending s. 415.603, F.S.,
6 relating to duties and functions of the
7 department; renumbering and amending s.
8 415.604, F.S., relating to an annual report to
9 the Legislature; renumbering and amending s.
10 415.605, F.S., relating to domestic violence
11 centers; renumbering s. 415.606, F.S., relating
12 to referral to such centers and notice of
13 rights; renumbering s. 415.608, F.S., relating
14 to confidentiality of information received by
15 the department or a center; amending ss. 20.19,
16 20.43, 61.13, 61.401, 63.052, 63.092, 90.5036,
17 119.07, 154.067, 216.136, 232.50, 318.21,
18 384.29, 392.65, 393.063, 395.1023, 400.4174,
19 400.556, 402.165, 402.166, 409.1672, 409.176,
20 409.2554, 409.9126, 414.065, 415.5082,
21 415.5087, 447.401, 464.018, 490.014, 491.014,
22 741.30, 744.309, 784.075, 933.18, 944.401,
23 944.705, 984.03, 984.10, 984.15, 984.24,
24 985.03, and 985.303, F.S.; correcting cross
25 references; conforming related provisions and
26 references; amending ss. 213.053 and 409.2577,
27 F.S.; authorizing disclosure of certain
28 confidential taxpayer and parent locator
29 information for diligent search activities
30 under ch. 39, F.S.; creating s. 415.5076, F.S.;
31 providing definitions relating to guardian ad

1 litem and guardian advocate appointments;
2 creating s. 435.045, F.S.; providing background
3 screening requirements for prospective foster
4 or adoptive parents; amending s. 943.045, F.S.;
5 providing that the Department of Children and
6 Family Services is a "criminal justice agency"
7 for purposes of the criminal justice
8 information system; repealing s. 39.0195, F.S.,
9 relating to sheltering unmarried minors and
10 aiding unmarried runaways; repealing s.
11 39.0196, F.S., relating to children locked out
12 of the home; repealing ss. 39.39, 39.449, and
13 39.459, F.S., relating to definition of
14 "department"; repealing s. 39.403, F.S.,
15 relating to protective investigation; repealing
16 s. 39.4032, F.S., relating to multidisciplinary
17 case staffing; repealing s. 39.4052, F.S.,
18 relating to affirmative duty of written notice
19 to adult relatives; repealing s. 39.4053, F.S.,
20 relating to diligent search after taking a
21 child into custody; repealing s. 39.45, F.S.,
22 relating to legislative intent regarding foster
23 care; repealing s. 39.457, F.S., relating to a
24 pilot program in Leon County to provide
25 additional benefits to children in foster care;
26 repealing s. 39.4625, F.S., relating to
27 identity or location of parent unknown after
28 filing of petition for termination of parental
29 rights; repealing s. 39.472, F.S., relating to
30 court and witness fees; repealing s. 39.475,
31 F.S., relating to rights of grandparents;

1 repealing s. 415.501, F.S., relating to
2 prevention of abuse and neglect of children and
3 a state plan therefor; repealing s. 415.5015,
4 F.S., relating to child abuse prevention
5 training in the district school system;
6 repealing ss. 415.5016, 415.50165, 415.5017,
7 415.50175, 415.5018, 415.50185, and 415.5019,
8 F.S., relating to purpose and legislative
9 intent, definitions, procedures,
10 confidentiality of records, district authority
11 and responsibilities, outcome evaluation, and
12 rules, for the family services response system;
13 repealing s. 415.502, F.S., relating to
14 legislative intent for comprehensive protective
15 services for abused or neglected children;
16 repealing s. 415.503, F.S., relating to
17 definitions; repealing s. 415.505, F.S.,
18 relating to child protective investigations and
19 investigations of institutional child abuse or
20 neglect; repealing s. 415.506, F.S., relating
21 to taking a child into protective custody;
22 repealing s. 415.5075, F.S., relating to rules
23 for medical screening and treatment of
24 children; repealing s. 415.509, F.S., relating
25 to public agencies' responsibilities for
26 prevention, identification, and treatment of
27 child abuse and neglect; repealing s. 415.514,
28 F.S., relating to rules for protective
29 services; providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Part I of chapter 39, Florida Statutes,
2 consisting of sections 39.001, 39.01, 39.011, 39.012, 39.013,
3 39.0131, 39.0132, 39.0133, 39.0134, and 39.0135, Florida
4 Statutes, shall be entitled to read:

5 PART I

6 GENERAL PROVISIONS

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

12 39.001 Purposes and intent; personnel standards and
13 screening.--

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

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

21 (b) To recognize that most families desire to be
22 competent caregivers and providers for their children and that
23 children achieve their greatest potential when families are
24 able to support and nurture the growth and development of
25 their children. Therefore, the Legislature finds that policies
26 and procedures that provide for intervention through the
27 department's child protection system should be based on the
28 following principles:

29 1. The health and safety of the children served shall
30 be of paramount concern.

31

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

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

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

10 (c) To provide a child protection system that reflects
11 a partnership between the department, other agencies, and
12 local communities.

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

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

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

28 (f)(d) To preserve and strengthen the child's family
29 ties whenever possible, removing the child from parental
30 custody only when his or her welfare or the safety and
31 protection of the public cannot be adequately safeguarded

1 ~~without such removal.~~ and, when the child is removed from his
2 ~~or her own family, to secure for the child custody, care, and~~
3 ~~discipline as nearly as possible equivalent to that which~~
4 ~~should have been given by the parents; and to assure, in all~~
5 ~~cases in which a child must be permanently removed from~~
6 ~~parental custody, that the child be placed in an approved~~
7 ~~family home, adoptive home, independent living program, or~~
8 ~~other placement that provides the most stable and permanent~~
9 ~~living arrangement for the child, as determined by the court.~~

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

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

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

29 (j) To ensure that, when reunification or adoption is
30 not possible, the child will be prepared for alternative
31 permanency goals or placements, to include, but not be limited

1 to, long-term foster care, independent living, custody to a
2 relative on a permanent basis with or without legal
3 guardianship, or custody to a foster parent or caregiver on a
4 permanent basis with or without legal guardianship.

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

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

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

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

1 ~~the constitutional standards of fundamental fairness and due~~
2 ~~process.~~

3 ~~2. To assure that the sentencing and placement of a~~
4 ~~child tried as an adult be appropriate and in keeping with the~~
5 ~~seriousness of the offense and the child's need for~~
6 ~~rehabilitative services, and that the proceedings and~~
7 ~~procedures applicable to such sentencing and placement be~~
8 ~~applied within the full framework of constitutional standards~~
9 ~~of fundamental fairness and due process.~~

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

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

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

30 ~~(b) The department of Juvenile Justice and the~~
31 ~~Department of Children and Family Services shall require~~

1 employment screening, and rescreening no less frequently than
2 once every 5 years, pursuant to chapter 435, using the level 2
3 standards set forth in that chapter for personnel in programs
4 for children or youths.

5 (c) ~~The department of Juvenile Justice or the~~
6 ~~Department of Children and Family Services~~ may grant
7 exemptions from disqualification from working with children as
8 provided in s. 435.07.

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

16 ~~39.002 Legislative intent.--~~

17 (3)(1) GENERAL PROTECTIONS FOR CHILDREN.--It is a
18 purpose of the Legislature that the children of this state be
19 provided with the following protections:

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

22 (b) A permanent and stable home.

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

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

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

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

1 (g) Access to preventive services.

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

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

25 (5)~~(3)~~ PARENTAL, CUSTODIAL, AND GUARDIAN
26 RESPONSIBILITIES.--Parents, custodians, and guardians are
27 deemed by the state to be responsible for providing their
28 children with sufficient support, guidance, and supervision ~~to~~
29 ~~deter their participation in delinquent acts~~. The state
30 further recognizes that the ability of parents, custodians,
31 and guardians to fulfill those responsibilities can be greatly

1 impaired by economic, social, behavioral, emotional, and
2 related problems. It is therefore the policy of the
3 Legislature that it is the state's responsibility to ensure
4 that factors impeding the ability of caregivers ~~caretakers~~ to
5 fulfill their responsibilities are identified through the
6 dependency ~~delinquency intake~~ process and that appropriate
7 recommendations and services to address those problems are
8 considered in any judicial or nonjudicial proceeding.

9 (6)(3) LIBERAL CONSTRUCTION.--It is the intent of the
10 Legislature that this chapter be liberally interpreted and
11 construed in conformity with its declared purposes.

12 Section 3. Section 39.01, Florida Statutes, as amended
13 by chapter 97-276, Laws of Florida, is amended to read:

14 39.01 Definitions.--When used in this chapter:

15 (1) "Abandoned" means a situation in which the parent
16 or legal custodian of a child or, in the absence of a parent
17 or legal custodian, the caregiver ~~person~~ responsible for the
18 child's welfare, while being able, makes no provision for the
19 child's support and makes no effort to communicate with the
20 child, which situation is sufficient to evince a willful
21 rejection of parental obligations. If the efforts of such
22 parent or legal custodian, or caregiver ~~person~~ primarily
23 responsible for the child's welfare, to support and
24 communicate with the child are, in the opinion of the court,
25 only marginal efforts that do not evince a settled purpose to
26 assume all parental duties, the court may declare the child to
27 be abandoned. ~~The term "abandoned" does not include a "child~~
28 ~~in need of services" as defined in chapter 984 or a "family in~~
29 ~~need of services" as defined in chapter 984.~~The incarceration
30 of a parent, legal custodian, or caregiver ~~person~~ responsible
31

1 for a child's welfare may support ~~does not constitute a bar to~~
2 a finding of abandonment.

3 (2) "Abuse" means any willful act or threatened act
4 that results in any physical, mental, or sexual injury or harm
5 that causes or is likely to cause the child's physical,
6 mental, or emotional health to be significantly impaired. For
7 the purpose of protective investigations, abuse of a child
8 includes the acts or omissions of the parent, legal custodian,
9 caregiver, or other person responsible for the child's
10 welfare. Corporal discipline of a child by a parent, legal
11 custodian, or caregiver ~~guardian~~ for disciplinary purposes
12 does not in itself constitute abuse when it does not result in
13 harm to the child ~~as defined in s. 415.503.~~

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

16 (4) "Adjudicatory hearing" means a hearing for the
17 court to determine whether or not the facts support the
18 allegations stated in the petition ~~as is provided for under s.~~
19 ~~39.408(2),~~ in dependency cases, ~~or s. 39.467,~~ in termination
20 of parental rights cases.

21 (5) "Adult" means any natural person other than a
22 child.

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

29 (7) "Alleged juvenile sexual offender" means:
30
31

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

4 (b) A child who is alleged to have committed any
5 violation of law or delinquent act involving juvenile sexual
6 abuse. "Juvenile sexual abuse" means any sexual behavior which
7 occurs without consent, without equality, or as a result of
8 coercion. For purposes of this paragraph, the following
9 definitions apply:

10 1. "Coercion" means the exploitation of authority or
11 the use of bribes, threats of force, or intimidation to gain
12 cooperation or compliance.

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

16 3. "Consent" means an agreement, including all of the
17 following:

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

20 b. Knowledge of societal standards for what is being
21 proposed.

22 c. Awareness of potential consequences and
23 alternatives.

24 d. Assumption that agreement or disagreement will be
25 accepted equally.

26 e. Voluntary decision.

27 f. Mental competence.

28
29 Juvenile sexual offender behavior ranges from noncontact
30 sexual behavior such as making obscene phone calls,
31 exhibitionism, voyeurism, and the showing or taking of lewd

1 photographs to varying degrees of direct sexual contact, such
2 as frottage, fondling, digital penetration, rape, fellatio,
3 sodomy, and various other sexually aggressive acts.

4 (8)(6) "Arbitration" means a process whereby a neutral
5 third person or panel, called an arbitrator or an arbitration
6 panel, considers the facts and arguments presented by the
7 parties and renders a decision which may be binding or
8 nonbinding.

9 (9)(7) "Authorized agent" or "designee" of the
10 department means an employee, volunteer, or other person or
11 agency determined by the state to be eligible for state-funded
12 risk management coverage, that is a person or agency assigned
13 or designated by the department of Juvenile Justice or the
14 Department of Children and Family Services, as appropriate, to
15 perform duties or exercise powers pursuant to this chapter and
16 includes contract providers and their employees for purposes
17 of providing services to and managing cases of children in
18 need of services and families in need of services.

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

22 ~~(8) "Caretaker/homemaker" means an authorized agent of~~
23 ~~the Department of Children and Family Services who shall~~
24 ~~remain in the child's home with the child until a parent,~~
25 ~~legal guardian, or relative of the child enters the home and~~
26 ~~is capable of assuming and agrees to assume charge of the~~
27 ~~child.~~

28 (11)(9) "Case plan" or "plan" means a document, as
29 described in s. 39.601 39.4031, prepared by the department
30 with input from all parties, including parents, guardians ad
31 litem, legal custodians, caregivers, and the child. The case

1 ~~plan, that~~ follows the child from the provision of voluntary
2 services through any dependency, foster care, or termination
3 of parental rights proceeding or related activity or process.

4 (12)~~(10)~~ "Child" or ~~"juvenile" or~~ "youth" means any
5 unmarried person under the age of 18 years who has not been
6 emancipated by order of the court and who has been alleged or
7 ~~found or alleged~~ to be dependent, ~~in need of services, or from~~
8 ~~a family in need of services; or any married or unmarried~~
9 ~~person who is charged with a violation of law occurring prior~~
10 ~~to the time that person reached the age of 18 years.~~

11 (13) "Child protection team" means a team of
12 professionals established by the department to receive
13 referrals from the protective investigators and protective
14 supervision staff of the department and to provide specialized
15 and supportive services to the program in processing child
16 abuse, abandonment, or neglect cases. A child protection team
17 shall provide consultation to other programs of the department
18 and other persons regarding child abuse, abandonment, or
19 neglect cases.

20 (14)~~(11)~~ "Child who is found to be dependent" means a
21 child who, pursuant to this chapter, is found by the court:

22 (a) To have been abandoned, abused, or neglected by
23 the child's parent or parents, legal custodians, or
24 caregivers; or other custodians.

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

29 (c) To have been voluntarily placed with a licensed
30 child-caring agency, a licensed child-placing agency, an adult
31 relative, the department ~~of Children and Family Services~~, or

1 the former Department of Health and Rehabilitative Services,
2 after which placement, under the requirements of ~~part II of~~
3 this chapter, a case plan has expired and the parent or
4 parents, legal custodians, or caregivers have failed to
5 substantially comply with the requirements of the plan;~~;~~

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

10 (e) To have no parent, legal custodian, or caregiver
11 ~~responsible adult relative~~ to provide supervision and care;
12 or;

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

16 ~~(15)(12)~~ "Child support" means a court-ordered
17 obligation, enforced under chapter 61 and ss.
18 409.2551-409.2597, for monetary support for the care,
19 maintenance, training, and education of a child.

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

22 ~~(17)(14)~~ "Comprehensive assessment" or "assessment"
23 means the gathering of information for the evaluation of ~~a~~
24 ~~juvenile offender's~~ or a child's and caregiver's physical,
25 psychiatric, psychological, educational, vocational, and
26 social condition and family environment as they relate to the
27 child's and caregiver's need for rehabilitative and treatment
28 services, including substance abuse treatment services, mental
29 health services, developmental services, literacy services,
30 medical services, family services, and other specialized
31 services, as appropriate.

1 (18)~~(15)~~ "Court," unless otherwise expressly stated,
2 means the circuit court assigned to exercise jurisdiction
3 under this chapter.

4 (19)~~(16)~~ "Department," ~~as used in this chapter,~~ means
5 the Department of Children and Family Services.

6 (20)~~(17)~~ "Diligent efforts by a parent, legal
7 custodian, or caregiver" means a course of conduct which
8 results in a reduction in risk to the child in the child's
9 home that would allow the child to be safely placed
10 permanently back in the home as set forth in the case plan.

11 (21)~~(18)~~ "Diligent efforts of social service agency"
12 means reasonable efforts to provide social services or
13 reunification services made by any social service agency ~~as~~
14 ~~defined in this section~~ that is a party to a case plan.

15 (22)~~(19)~~ "Diligent search" means the efforts of a
16 social service agency to locate a parent or prospective parent
17 whose identity or location is unknown, ~~or a relative made~~
18 ~~known to the social services agency by the parent or custodian~~
19 ~~of a child. When the search is for a parent, prospective~~
20 ~~parent, or relative of a child in the custody of the~~
21 ~~department, this search must be initiated as soon as the~~
22 social service agency is made aware of the existence of such
23 parent, with the search progress reported at each court
24 hearing until the parent is either identified and located or
25 the court excuses further search.~~prospective parent, or~~
26 ~~relative. A diligent search shall include interviews with~~
27 ~~persons who are likely to have information about the identity~~
28 ~~or location of the person being sought, comprehensive database~~
29 ~~searches, and records searches, including searches of~~
30 ~~employment, residence, utilities, Armed Forces, vehicle~~
31 ~~registration, child support enforcement, law enforcement, and~~

1 ~~corrections records, and any other records likely to result in~~
2 ~~identifying and locating the person being sought. The initial~~
3 ~~diligent search must be completed within 90 days after a child~~
4 ~~is taken into custody. After the completion of the initial~~
5 ~~diligent search, the department, unless excused by the court,~~
6 ~~shall have a continuing duty to search for relatives with whom~~
7 ~~it may be appropriate to place the child, until such relatives~~
8 ~~are found or until the child is placed for adoption.~~

9 (23)~~(20)~~ "Disposition hearing" means a hearing in
10 which the court determines the most appropriate family support
11 dispositional services in the least restrictive available
12 setting ~~provided for under s. 39.408(3), in dependency cases,~~
13 ~~or s. 39.469, in termination of parental rights cases.~~

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

16 (25)~~(21)~~ "District administrator" means the chief
17 operating officer of each service district of the department
18 ~~of Children and Family Services~~ as defined in s. 20.19(6) and,
19 where appropriate, includes any ~~each~~ district administrator
20 whose service district falls within the boundaries of a
21 judicial circuit.

22 (26) "Expedited termination of parental rights" means
23 proceedings wherein a case plan with the goal of reunification
24 is not being offered.

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

28 (a) Harassing, embarrassing, or harming another
29 person;

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

31 (c) Acquiring custody of a child; or

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

3
4 The term "false report" does not include a report of abuse,
5 neglect, or abandonment of a child made in good faith to the
6 central abuse hotline.

7 ~~(28)(22)~~ "Family" means a collective body of persons,
8 consisting of a child and a parent, legal guardian, ~~adult~~
9 custodian, caregiver, or adult relative, in which:

10 (a) The persons reside in the same house or living
11 unit; or

12 (b) The parent, legal guardian, ~~adult~~ custodian,
13 caregiver, or adult relative has a legal responsibility by
14 blood, marriage, or court order to support or care for the
15 child.

16 ~~(29)(23)~~ "Foster care" means care provided a child in
17 a foster family or boarding home, group home, agency boarding
18 home, child care institution, or any combination thereof.

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

22 (a) Inflicts or allows to be inflicted upon the child
23 physical, mental, or emotional injury. In determining whether
24 harm has occurred, the following factors must be considered in
25 evaluating any physical, mental, or emotional injury to a
26 child: the age of the child; any prior history of injuries to
27 the child; the location of the injury on the body of the
28 child; the multiplicity of the injury; and the type of trauma
29 inflicted. Such injury includes, but is not limited to:

30 1. Willful acts that produce the following specific
31 injuries:

- 1 a. Sprains, dislocations, or cartilage damage.
2 b. Bone or skull fractures.
3 c. Brain or spinal cord damage.
4 d. Intracranial hemorrhage or injury to other internal
5 organs.
6 e. Asphyxiation, suffocation, or drowning.
7 f. Injury resulting from the use of a deadly weapon.
8 g. Burns or scalding.
9 h. Cuts, lacerations, punctures, or bites.
10 i. Permanent or temporary disfigurement.
11 j. Permanent or temporary loss or impairment of a body
12 part or function.

13
14 As used in this subparagraph, the term "willful" refers to the
15 intent to perform an action, not to the intent to achieve a
16 result or to cause an injury.

17 2. Purposely giving a child poison, alcohol, drugs, or
18 other substances that substantially affect the child's
19 behavior, motor coordination, or judgment or that result in
20 sickness or internal injury. For the purposes of this
21 subparagraph, the term "drugs" means prescription drugs not
22 prescribed for the child or not administered as prescribed,
23 and controlled substances as outlined in Schedule I or
24 Schedule II of s. 893.03.

25 3. Leaving a child without adult supervision or
26 arrangement appropriate for the child's age or mental or
27 physical condition, so that the child is unable to care for
28 the child's own needs or another's basic needs or is unable to
29 exercise good judgment in responding to any kind of physical
30 or emotional crisis.

31

1 4. Inappropriate or excessively harsh disciplinary
2 action that is likely to result in physical injury, mental
3 injury as defined in this section, or emotional injury. The
4 significance of any injury must be evaluated in light of the
5 following factors: the age of the child; any prior history of
6 injuries to the child; the location of the injury on the body
7 of the child; the multiplicity of the injury; and the type of
8 trauma inflicted. Corporal discipline may be considered
9 excessive or abusive when it results in any of the following
10 or other similar injuries:
11 a. Sprains, dislocations, or cartilage damage.
12 b. Bone or skull fractures.
13 c. Brain or spinal cord damage.
14 d. Intracranial hemorrhage or injury to other internal
15 organs.
16 e. Asphyxiation, suffocation, or drowning.
17 f. Injury resulting from the use of a deadly weapon.
18 g. Burns or scalding.
19 h. Cuts, lacerations, punctures, or bites.
20 i. Permanent or temporary disfigurement.
21 j. Permanent or temporary loss or impairment of a body
22 part or function.
23 k. Significant bruises or welts.
24 (b) Commits, or allows to be committed, sexual
25 battery, as defined in chapter 794, or lewd or lascivious
26 acts, as defined in chapter 800, against the child.
27 (c) Allows, encourages, or forces the sexual
28 exploitation of a child, which includes allowing, encouraging,
29 or forcing a child to:
30 1. Solicit for or engage in prostitution; or
31

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

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

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

18 (f) Neglects the child. Within the context of the
19 definition of "harm," the term "neglects the child" means that
20 the parent or other person responsible for the child's welfare
21 fails to supply the child with adequate food, clothing,
22 shelter, or health care, although financially able to do so or
23 although offered financial or other means to do so. However,
24 a parent, legal custodian, or caregiver who, by reason of the
25 legitimate practice of religious beliefs, does not provide
26 specified medical treatment for a child may not be considered
27 abusive or neglectful for that reason alone, but such an
28 exception does not:

29 1. Eliminate the requirement that such a case be
30 reported to the department;

31

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

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

9 (g) Exposes a child to a controlled substance or
10 alcohol. Exposure to a controlled substance or alcohol is
11 established by:

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

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

18
19 As used in this paragraph, the term "controlled substance"
20 means prescription drugs not prescribed for the parent or not
21 administered as prescribed and controlled substances as
22 outlined in Schedule I or Schedule II of s. 893.03.

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

25 (i) Engages in violent behavior that demonstrates a
26 wanton disregard for the presence of a child and could
27 reasonably result in serious injury to the child.

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

31

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

3 (31)(24) "Health and human services board" means the
4 body created in each service district of the department ~~of~~
5 ~~Children and Family Services~~ pursuant to the provisions of s.
6 20.19(7).

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

14 (33)(25) "Judge" means the circuit judge exercising
15 jurisdiction pursuant to this chapter.

16 (34)(26) "Legal custody" means a legal status created
17 by court order or letter of guardianship which vests in a
18 custodian of the person or guardian, whether an agency or an
19 individual, the right to have physical custody of the child
20 and the right and duty to protect, train, and discipline the
21 child and to provide him or her with food, shelter, education,
22 and ordinary medical, dental, psychiatric, and psychological
23 care. The legal custodian is the person or entity in whom the
24 legal right to custody is vested.

25 (35) "Legal guardianship" means a judicially created
26 relationship between the child and caregiver which is intended
27 to be permanent and self-sustaining and is provided pursuant
28 to the procedures in chapter 744.

29 (36)(27) "Licensed child-caring agency" means a
30 person, society, association, or agency licensed by the
31

1 department ~~of Children and Family Services~~ to care for,
2 receive, and board children.

3 (37)~~(28)~~ "Licensed child-placing agency" means a
4 person, society, association, or institution licensed by the
5 department ~~of Children and Family Services~~ to care for,
6 receive, or board children and to place children in a licensed
7 child-caring institution or a foster or adoptive home.

8 (38)~~(29)~~ "Licensed health care professional" means a
9 physician licensed under chapter 458, an osteopathic physician
10 licensed under chapter 459, a nurse licensed under chapter
11 464, a physician assistant certified under chapter 458 or
12 chapter 459, or a dentist licensed under chapter 466.

13 (39)~~(30)~~ "Likely to injure oneself" means that, as
14 evidenced by violent or other actively self-destructive
15 behavior, it is more likely than not that within a 24-hour
16 period the child will attempt to commit suicide or inflict
17 serious bodily harm on himself or herself.

18 (40)~~(31)~~ "Likely to injure others" means that it is
19 more likely than not that within a 24-hour period the child
20 will inflict serious and unjustified bodily harm on another
21 person.

22 (41)~~(32)~~ "Long-term relative custodian" means an adult
23 relative who is a party to a long-term custodial relationship
24 created by a court order pursuant to this chapter ~~s.~~
25 ~~39.41(2)(a)5~~.

26 (42)~~(33)~~ "Long-term relative custody" or "long-term
27 custodial relationship" means the relationship that a juvenile
28 court order creates between a child and an adult relative of
29 the child or other caregiver ~~an adult nonrelative~~ approved by
30 the court when the child cannot be placed in the custody of a
31 natural parent and termination of parental rights is not

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

16 (43)~~(34)~~ "Mediation" means a process whereby a neutral
17 third person called a mediator acts to encourage and
18 facilitate the resolution of a dispute between two or more
19 parties. It is an informal and nonadversarial process with
20 the objective of helping the disputing parties reach a
21 mutually acceptable and voluntary agreement. ~~In mediation,~~
22 ~~decisionmaking authority rests with the parties.~~ The role of
23 the mediator includes, but is not limited to, assisting the
24 parties in identifying issues, fostering joint problem
25 solving, and exploring settlement alternatives.

26 (44) "Mental injury" means an injury to the
27 intellectual or psychological capacity of a child as evidenced
28 by a discernible and substantial impairment in the ability to
29 function within the normal range of performance and behavior,
30 with due regard to the child's future.

31

1 ~~(45)~~(35) "Necessary medical treatment" means care
2 which is necessary within a reasonable degree of medical
3 certainty to prevent the deterioration of a child's condition
4 or to alleviate immediate pain of a child.
5 ~~(46)~~(36) "Neglect" occurs when the parent or legal
6 custodian of a child or, in the absence of a parent or legal
7 custodian, the caregiver ~~person primarily responsible for the~~
8 ~~child's welfare~~ deprives a child of, or allows a child to be
9 deprived of, necessary food, clothing, shelter, or medical
10 treatment or permits a child to live in an environment when
11 such deprivation or environment causes the child's physical,
12 mental, or emotional health to be significantly impaired or to
13 be in danger of being significantly impaired. The foregoing
14 circumstances shall not be considered neglect if caused
15 primarily by financial inability unless actual services for
16 relief have been offered to and rejected by such person. A
17 parent, legal custodian, or caregiver ~~guardian~~ legitimately
18 practicing religious beliefs in accordance with a recognized
19 church or religious organization who thereby does not provide
20 specific medical treatment for a child shall not, for that
21 reason alone, be considered a negligent parent, legal
22 custodian, or caregiver ~~guardian~~; however, such an exception
23 does not preclude a court from ordering the following services
24 to be provided, when the health of the child so requires:
25 (a) Medical services from a licensed physician,
26 dentist, optometrist, podiatrist, or other qualified health
27 care provider; or
28 (b) Treatment by a duly accredited practitioner who
29 relies solely on spiritual means for healing in accordance
30 with the tenets and practices of a well-recognized church or
31 religious organization.

1
2 For the purpose of protective investigations, neglect of a
3 child includes the acts or omissions of the parent, legal
4 custodian, or caregiver.

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

17 (48)~~(37)~~ "Next of kin" means an adult relative of a
18 child who is the child's brother, sister, grandparent, aunt,
19 uncle, or first cousin.

20 (49)~~(38)~~ "Parent" means a woman who gives birth to a
21 child and a man whose consent to the adoption of the child
22 would be required under s. 63.062(1)(b). If a child has been
23 legally adopted, the term "parent" means the adoptive mother
24 or father of the child. The term does not include an
25 individual whose parental relationship to the child has been
26 legally terminated, or an alleged or prospective parent,
27 unless the parental status falls within the terms of ~~either s.~~
28 ~~39.4051(7)~~ or s. 63.062(1)(b).

29 (50)~~(39)~~ "Participant," for purposes of a shelter
30 proceeding, dependency proceeding, or termination of parental
31 rights proceeding, means any person who is not a party but who

1 should receive notice of hearings involving the child,
2 including foster parents or caregivers, identified prospective
3 parents, grandparents entitled to priority for adoption
4 consideration under s. 63.0425, actual custodians of the
5 child, and any other person whose participation may be in the
6 best interest of the child. Participants may be granted leave
7 by the court to be heard without the necessity of filing a
8 motion to intervene.

9 (51)~~(40)~~ "Party," ~~for purposes of a shelter~~
10 ~~proceeding, dependency proceeding, or termination of parental~~
11 ~~rights proceeding,~~ means the parent or legal custodian of the
12 child, the petitioner, the department, the guardian ad litem
13 or the representative of the guardian ad litem program when
14 the program ~~one~~ has been appointed, and the child. The
15 presence of the child may be excused by order of the court
16 when presence would not be in the child's best interest.
17 Notice to the child may be excused by order of the court when
18 the age, capacity, or other condition of the child is such
19 that the notice would be meaningless or detrimental to the
20 child.

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

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

26 (54)~~(41)~~ "Preliminary screening" means the gathering
27 of preliminary information to be used in determining a child's
28 need for further evaluation or assessment or for referral for
29 other substance abuse services through means such as
30 psychosocial interviews; urine and breathalyzer screenings;

31

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.~~

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1 ~~(c) Is subject to modification based on changing~~
2 ~~circumstances and negotiations among the parties to the plan~~
3 ~~and includes, at a minimum:~~

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

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

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

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

10 ~~(d) Is submitted to the court in cases where a~~
11 ~~dispositional order has been entered pursuant to s.~~
12 ~~39.41(2)(a)3.~~

13 (60) "Rehabilitative services" means social services
14 and other supportive services provided to the child or the
15 child's family for the purpose of either averting the removal
16 of the child from the home or safely returning the child from
17 foster or other supervised care. Social services and other
18 supportive services shall promote the child's need for
19 physical, mental, and emotional health and a safe, stable,
20 living environment, shall promote family autonomy, and shall
21 strengthen family life, whenever possible.

22 ~~(61)(48)~~ "Relative" means a grandparent,
23 great-grandparent, sibling, first cousin, aunt, uncle,
24 great-aunt, great-uncle, niece, or nephew, whether related by
25 the whole or half blood, by affinity, or by adoption. The term
26 does not include a stepparent.

27 ~~(62)(49)~~ "Reunification services" means social
28 services and other supportive and rehabilitative services
29 provided to the parent of the child, the legal custodian
30 ~~guardian~~ of the child, or the caregiver ~~custodian~~ of the
31 child, whichever is applicable, to the child, and where

1 appropriate to the foster parents of the child, ~~for~~ the
2 purpose of enabling a child who has been placed in foster care
3 to safely return to his or her family at the earliest possible
4 time. The health and safety of the child shall be the
5 paramount goal of social services and other supportive and
6 rehabilitative services. Such services shall promote the
7 child's need for physical, mental, and emotional health and a
8 safe, ~~continuous,~~ stable, living environment, ~~and~~ shall
9 promote family autonomy, ~~and~~ shall strengthen family life, ~~as~~
10 ~~a first priority~~ whenever possible.

11 (63) "Secretary" means the Secretary of Children and
12 Family Services.

13 (64) "Sexual abuse of a child" means one or more of
14 the following acts:

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

18 (b) Any sexual contact between the genitals or anal
19 opening of one person and the mouth or tongue of another
20 person.

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

25 (d) The intentional touching of the genitals or
26 intimate parts, including the breasts, genital area, groin,
27 inner thighs, and buttocks, or the clothing covering them, of
28 either the child or the perpetrator, except that this does not
29 include:

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

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

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

7 (f) The intentional exposure of the perpetrator's
8 genitals in the presence of a child, or any other sexual act
9 intentionally perpetrated in the presence of a child, if such
10 exposure or sexual act is for the purpose of sexual arousal or
11 gratification, aggression, degradation, or other similar
12 purpose.

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

15 1. Solicit for or engage in prostitution; or

16 2. Engage in a sexual performance, as defined by
17 chapter 827.

18 ~~(65)(50)~~ "Shelter" means a place for the temporary
19 care of a child who is alleged to be or who has been found to
20 be dependent, ~~a child from a family in need of services, or a~~
21 ~~child in need of services,~~ pending court disposition before or
22 after adjudication, ~~or after execution of a court order.~~

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

26 ~~(66)(51)~~ "Shelter hearing" means a hearing in which
27 the court determines whether probable cause exists to keep a
28 child in shelter status pending further investigation of the
29 case provided for under s. 984.14 in
30 ~~family in need of services cases or child in need of services~~
31 ~~cases.~~

1 (67)~~(52)~~ "Social service agency" means the department
2 ~~of Children and Family Services~~, a licensed child-caring
3 agency, or a licensed child-placing agency.

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

12 (68)~~(54)~~ "Substance abuse" means using, without
13 medical reason, any psychoactive or mood-altering drug,
14 including alcohol, in such a manner as to induce impairment
15 resulting in dysfunctional social behavior.

16 (69)~~(55)~~ "Substantial compliance" means that the
17 circumstances which caused the creation of the case plan
18 ~~placement in foster care~~ have been significantly remedied to
19 the extent that the well-being and safety of the child will
20 not be endangered upon the child's remaining with or being
21 returned to the child's parent, legal custodian, or caregiver
22 ~~or guardian.~~

23 (70)~~(56)~~ "Taken into custody" means the status of a
24 child immediately when temporary physical control over the
25 child is attained by a person authorized by law, pending the
26 child's release or placement, ~~detention, placement, or other~~
27 ~~disposition as authorized by law.~~

28 (71)~~(57)~~ "Temporary legal custody" means the
29 relationship that a juvenile court creates between a child and
30 an adult relative of the child, legal custodian, or caregiver
31 ~~adult nonrelative~~ approved by the court, or other person until

1 a more permanent arrangement is ordered. Temporary legal
2 custody confers upon the custodian the right to have temporary
3 physical custody of the child and the right and duty to
4 protect, train, and discipline the child and to provide the
5 child with food, shelter, and education, and ordinary medical,
6 dental, psychiatric, and psychological care, unless these
7 rights and duties are otherwise enlarged or limited by the
8 court order establishing the temporary legal custody
9 relationship.

10 (72) "Victim" means any child who has sustained or is
11 threatened with physical, mental, or emotional injury
12 identified in a report involving child abuse, neglect, or
13 abandonment, or child-on-child sexual abuse.

14 Section 4. Section 39.455, Florida Statutes, is
15 renumbered as section 39.011, Florida Statutes, and amended to
16 read:

17 39.011 ~~39.455~~ Immunity from liability.--

18 (1) In no case shall employees or agents of the
19 department or a social service agency acting in good faith be
20 liable for damages as a result of failing to provide services
21 agreed to under the case plan ~~or permanent placement plan~~
22 unless the failure to provide such services occurs as a result
23 of bad faith or malicious purpose or occurs in a manner
24 exhibiting wanton and willful disregard of human rights,
25 safety, or property.

26 (2) The inability or failure of the department or of a
27 social service agency or the employees or agents of the social
28 service agency to provide the services agreed to under the
29 case plan ~~or permanent placement plan~~ shall not render the
30 state or the social service agency liable for damages unless
31 such failure to provide services occurs in a manner exhibiting

1 wanton or willful disregard of human rights, safety, or
2 property.

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

9 Section 5. Section 39.012, Florida Statutes, is
10 amended to read:

11 39.012 Rules for implementation.--The department of
12 ~~Children and Family Services~~ shall adopt rules for the
13 efficient and effective management of all programs, services,
14 facilities, and functions necessary for implementing this
15 chapter. Such rules may not conflict with the Florida Rules of
16 Juvenile Procedure. All rules and policies must conform to
17 accepted standards of care and treatment.

18 Section 6. Section 39.40, Florida Statutes, is
19 renumbered as section 39.013, Florida Statutes, and amended to
20 read:

21 39.013 ~~39.40~~ Procedures and jurisdiction; right to
22 counsel.--

23 (1) All procedures, including petitions, pleadings,
24 subpoenas, summonses, and hearings, in this chapter ~~dependency~~
25 ~~cases~~ shall be according to the Florida Rules of Juvenile
26 Procedure unless otherwise provided by law. Parents must be
27 informed by the court of their right to counsel in dependency
28 proceedings at each stage of the dependency proceedings.
29 Parents who are unable to afford counsel and who are
30 threatened with criminal charges based on the facts underlying
31

1 the dependency petition or a permanent loss of custody of
2 their children must be appointed counsel.

3 (2) The circuit court shall have exclusive original
4 jurisdiction of all proceedings under ~~parts III, IV, V, and VI~~
5 ~~of~~ this chapter, of a child voluntarily placed with a licensed
6 child-caring agency, a licensed child-placing agency, or the
7 department, and of the adoption of children whose parental
8 rights have been terminated pursuant to this chapter.
9 Jurisdiction attaches when the initial shelter petition,
10 dependency petition, or termination of parental rights
11 petition is filed or when a child is taken into the custody of
12 the department. The circuit court may assume jurisdiction over
13 any such proceeding regardless of whether the child was in the
14 physical custody of both parents, was in the sole legal or
15 physical custody of only one parent, caregiver, or ~~of~~ some
16 other person, or was in the physical or legal custody of no
17 person when the event or condition occurred that brought the
18 child to the attention of the court. When the court obtains
19 jurisdiction of any child who has been found to be dependent
20 ~~is obtained~~, the court shall retain jurisdiction, unless
21 relinquished by its order, until the child reaches 18 years of
22 age.

23 (3) When a child is under the jurisdiction of the
24 circuit court pursuant to the provisions of this chapter, the
25 juvenile court, as a division of the circuit court, may
26 exercise the general and equitable jurisdiction over
27 guardianship proceedings pursuant to the provisions of chapter
28 744, and proceedings for temporary custody of minor children
29 by extended family pursuant to the provisions of chapter 751.

30 (4)~~(3)~~ The court shall expedite the resolution of the
31 placement issue in cases involving a child who ~~under 4 years~~

1 ~~of age when the child has been removed from the family and~~
2 ~~placed in a shelter.~~

3 (5)~~(4)~~ The court shall expedite the judicial handling
4 of all cases when the child has been removed from the family
5 and placed in a shelter, ~~and of all cases involving a child~~
6 ~~under 4 years of age.~~

7 (6)~~(5)~~ ~~It is the intent of the Legislature that~~
8 Children removed from their homes shall be provided equal
9 treatment with respect to goals, objectives, services, and
10 case plans, without regard to the location of their
11 placement, ~~and that placement shall be in a safe environment~~
12 ~~where drugs and alcohol are not abused. It is the further~~
13 ~~intent of the Legislature that, when children are removed from~~
14 ~~their homes, disruption to their education be minimized to the~~
15 ~~extent possible.~~

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

21 (8)(a) At each stage of the proceedings under this
22 chapter, the court shall advise the parent, legal custodian,
23 or caregiver of the right to counsel. The court shall appoint
24 counsel for indigent persons. The court shall ascertain
25 whether the right to counsel is understood. When right to
26 counsel is waived, the court shall determine whether the
27 waiver is knowing and intelligent. The court shall enter its
28 findings in writing with respect to the appointment or waiver
29 of counsel for indigent parties or the waiver of counsel by
30 nonindigent parties.

31

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

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

13 2. A waiver of counsel made in court must be of
14 record.

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

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

24 (9) The time limitations in this chapter do not
25 include:

26 (a) Periods of delay resulting from a continuance
27 granted at the request or with the consent of the child's
28 counsel or the child's guardian ad litem, if one has been
29 appointed by the court, or, if the child is of sufficient
30 capacity to express reasonable consent, at the request or with
31 the consent of the child.

1 (b) Periods of delay resulting from a continuance
2 granted at the request of the attorney for the department, if
3 the continuance is granted:

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

13 2. To allow the attorney for the department additional
14 time to prepare the case and additional time is justified
15 because of an exceptional circumstance.

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

20 (d) Reasonable periods of delay resulting from a
21 continuance granted at the request of the parent or legal
22 custodian of a subject child.

23 Section 7. Section 39.4057, Florida Statutes, is
24 renumbered as section 39.0131, Florida Statutes.

25 Section 8. Section 39.411, Florida Statutes, is
26 renumbered as section 39.0132, Florida Statutes, and
27 subsections (3) and (4) of said section are amended to read:

28 39.0132 ~~39.411~~ Oaths, records, and confidential
29 information.--

30 (3) The clerk shall keep all court records required by
31 this part separate from other records of the circuit court.

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

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

26 Section 9. Section 39.414, Florida Statutes, is
27 renumbered as section 39.0133, Florida Statutes.

28 Section 10. Sections 39.415 and 39.474, Florida
29 Statutes, are renumbered as section 39.0134, Florida Statutes,
30 and amended to read:

31 39.0134 ~~39.415~~ Appointed counsel; compensation.--

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

6 ~~39.474 Appointed counsel; compensation.~~

7 (2) If counsel is entitled to receive compensation for
8 representation pursuant to court appointment in a termination
9 of parental rights proceeding, such compensation shall not
10 exceed \$1,000 at the trial level and \$2,500 at the appellate
11 level.

12 Section 11. Section 39.418, Florida Statutes, is
13 renumbered as section 39.0135, Florida Statutes, and amended
14 to read:

15 39.0135 ~~39.418~~ Operations and Maintenance Trust
16 Fund. ~~--Effective July 1, 1996,The department of Children and~~
17 ~~Family Services~~ shall deposit all child support payments made
18 to the department pursuant to this chapter ~~s. 39.41(2)~~ into
19 the Operations and Maintenance Trust Fund. The purpose of
20 this funding is to care for children who are committed to the
21 temporary legal custody of the department ~~pursuant to s.~~
22 ~~39.41(2)(a)~~8.

23 Section 12. Part II of chapter 39, Florida Statutes,
24 consisting of sections 39.201, 39.202, 39.203, 39.204, 39.205,
25 and 39.206, Florida Statutes, shall be entitled to read:

26 PART II

27 REPORTING CHILD ABUSE

28 Section 13. Section 415.504, Florida Statutes, is
29 renumbered as section 39.201, Florida Statutes, and amended to
30 read:

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1 39.201 ~~415.504~~ Mandatory reports of child abuse,
2 abandonment, or neglect; mandatory reports of death; central
3 abuse hotline.--

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

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

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

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

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

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

17 (f) Law enforcement officer,

18
19 who knows, or has reasonable cause to suspect, that a child is
20 an abused, abandoned, or neglected child shall report such
21 knowledge or suspicion to the department in the manner
22 prescribed in subsection (2).

23 (2)(a) Each report of known or suspected child abuse,
24 abandonment, or neglect pursuant to this section, except those
25 solely under s. 827.04(3)~~(4)~~, shall be made immediately to the
26 department's central abuse hotline on the single statewide
27 toll-free telephone number, and, if the report is of an
28 instance of known or suspected child abuse by a noncaretaker,
29 the call shall be immediately electronically transferred to
30 the appropriate county sheriff's office by the central abuse
31 hotline. If the report is of an instance of known or

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

12 (b) Reporters in occupation categories designated in
13 subsection (1) are required to provide their names to the
14 hotline staff. The names of reporters shall be entered into
15 the record of the report, but shall be held confidential as
16 provided in s. 39.202 ~~415.51~~.

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

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

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

24 2. Subject to appropriations, when the alleged
25 juvenile sexual offender is 12 years of age or younger, the
26 department shall proceed with an investigation of the report
27 pursuant to this part ~~FFF~~, immediately electronically transfer
28 the call to the appropriate law enforcement agency office by
29 the central abuse hotline, and send a written report of the
30 allegation to the appropriate county sheriff's office within
31

1 48 hours after the initial report is made to the central abuse
2 hotline.

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

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

21 (3) Any person required to report or investigate cases
22 of suspected child abuse, abandonment, or neglect who has
23 reasonable cause to suspect that a child died as a result of
24 child abuse, abandonment, or neglect shall report his or her
25 suspicion to the appropriate medical examiner. The medical
26 examiner shall accept the report for investigation ~~pursuant to~~
27 ~~s. 406.11~~ and shall report his or her findings, in writing, to
28 the local law enforcement agency, the appropriate state
29 attorney, and the department. Autopsy reports maintained by
30 the medical examiner are not subject to the confidentiality
31 requirements provided for in s. 39.202 ~~415.51~~.

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

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

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

16 (c)3. Track critical steps in the investigative
17 process to ensure compliance with all requirements for any
18 report of abuse, abandonment, or neglect.

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

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

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

560-176-98

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

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

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

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

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

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

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

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

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

22 (7)(5) This section does not require a professional
23 who is hired by or enters into a contract with the department
24 for the purpose of treating or counseling any person, as a
25 result of a report of child abuse, abandonment, or neglect, to
26 again report to the central abuse hotline the abuse,
27 abandonment, or neglect that was the subject of the referral
28 for treatment.

29 Section 14. Section 415.51, Florida Statutes, is
30 renumbered as section 39.202, Florida Statutes, and amended to
31 read:

1 39.202 ~~415.51~~ Confidentiality of reports and records
2 in cases of child abuse, abandonment, or neglect.--

3 (1)(a) In order to protect the rights of the child and
4 the child's parents, legal custodians, or caregivers ~~or other~~
5 ~~persons responsible for the child's welfare~~, all records
6 concerning reports of child abuse, abandonment, or neglect,
7 including reports made to the central abuse hotline and all
8 records generated as a result of such reports, shall be
9 confidential and exempt from the provisions of s. 119.07(1)
10 and shall not be disclosed except as specifically authorized
11 by this chapter ~~ss. 415.502-415.514~~. Such exemption from s.
12 119.07(1) applies to information in the possession of those
13 entities granted access as set forth in this section.

14 (b) Except for information identifying individuals,
15 all records involving the death of a child determined to be a
16 result of abuse, abandonment, or neglect shall be released to
17 the public within 10 days after completion of the
18 investigation.

19 (2) Access to such records, excluding the name of the
20 reporter which shall be released only as provided in
21 subsection (4) ~~(9)~~, shall be granted only to the following
22 persons, officials, and agencies:

23 (a) Employees, authorized ~~or~~ agents, or contract
24 providers of the department, the Department of Health, or
25 county agencies responsible for carrying out child or adult
26 protective investigations, ongoing child or adult protective
27 services, Healthy Start services, or licensure or approval of
28 adoptive homes, foster homes, or child care facilities, or
29 family day care homes or informal child care providers who
30 receive subsidized child care funding, or other homes used to
31 provide for the care and welfare of children. Also, employees

1 or agents of the Department of Juvenile Justice responsible
2 for the provision of services to children, pursuant to ~~parts~~
3 ~~II and IV of~~ chapter 985 ~~39~~.

4 (b) Criminal justice agencies of appropriate
5 jurisdiction.

6 (c) The state attorney of the judicial circuit in
7 which the child resides or in which the alleged abuse,
8 abandonment, or neglect occurred.

9 (d) The parent, caregiver, or legal custodian of any
10 child who is alleged to have been abused, abandoned, or
11 neglected, and the child, and their attorneys ~~or abandoned~~.
12 This access shall be made available no later than 30 days
13 after the department receives the initial report of abuse,
14 neglect, or abandonment. However, any information otherwise
15 made confidential or exempt by law shall not be released
16 pursuant to this paragraph.

17 (e) Any person alleged in the report as having caused
18 the abuse, abandonment, or neglect, ~~or abandonment~~ of a child.
19 This access shall be made available no later than 30 days
20 after the department receives the initial report of abuse,
21 abandonment, or neglect, ~~or abandonment~~. However, any
22 information otherwise made confidential or exempt by law shall
23 not be released pursuant to this paragraph.

24 (f) A court upon its finding that access to such
25 records may be necessary for the determination of an issue
26 before the court; however, such access shall be limited to
27 inspection in camera, unless the court determines that public
28 disclosure of the information contained therein is necessary
29 for the resolution of an issue then pending before it.

30
31

1 (g) A grand jury, by subpoena, upon its determination
2 that access to such records is necessary in the conduct of its
3 official business.

4 (h) Any appropriate official of the department
5 responsible for:

6 1. Administration or supervision of the department's
7 program for the prevention, investigation, or treatment of
8 child abuse, abandonment, ~~or neglect, or exploitation, or~~
9 abuse, abandonment, neglect, or exploitation of a disabled
10 adult or elderly person, when carrying out his or her official
11 function; or

12 2. Taking appropriate administrative action concerning
13 an employee of the department alleged to have perpetrated
14 ~~institutional~~ child abuse, abandonment, or neglect, or
15 exploitation, or abuse, abandonment, neglect, or exploitation
16 of a disabled adult or elderly person; or-

17 3. Employing and continuing employment of personnel of
18 the department.

19 (i) Any person engaged in the use of such records or
20 information for bona fide research, statistical, or audit
21 purposes. All such requests for records or information shall
22 require the requesting individual or entity to enter into a
23 privacy and security agreement which provides that the
24 requesting individual or entity shall comply with all laws and
25 rules governing the use of such records and information for
26 research, statistical, or audit purposes. ~~However, no~~
27 ~~information identifying the subjects of the report shall be~~
28 ~~made available to the researcher.~~

29 (j) The Division of Administrative Hearings for
30 purposes of any administrative challenge.

31

1 (k) Any appropriate official of the human rights
2 advocacy committee investigating a report of known or
3 suspected child abuse, abandonment, or neglect, the Auditor
4 General for the purpose of conducting preliminary or
5 compliance reviews pursuant to s. 11.45, or the guardian ad
6 litem for the child ~~as defined in s. 415.503.~~

7 (1) Employees or agents of an agency of another state
8 that has comparable jurisdiction to the jurisdiction described
9 in paragraph (a).

10 (m) The Public Employees Relations Commission for the
11 sole purpose of obtaining evidence for appeals filed pursuant
12 to s. 447.207. Records may be released only after deletion of
13 all information which specifically identifies persons other
14 than the employee.

15 (n) Employees or agents of the Department of Revenue
16 responsible for child support enforcement activities.

17 (3) The department may release to professional persons
18 such information as is necessary for the diagnosis and
19 treatment of the child or the person perpetrating the abuse,
20 abandonment, or neglect.

21 (4) The name of any person reporting child abuse,
22 abandonment, or neglect may not be released to any person
23 other than employees of the department responsible for child
24 protective services, or the central abuse hotline, law
25 enforcement, or the appropriate state attorney ~~or law~~
26 ~~enforcement agency,~~ without the written consent of the person
27 reporting. This does not prohibit the subpoenaing of a person
28 reporting child abuse, abandonment, or neglect when deemed
29 necessary by the court, the state attorney, or the department,
30 provided the fact that such person made the report is not
31 disclosed. Any person who reports a case of child abuse,

1 abandonment, or neglect may, at the time he or she makes the
2 report, request that the department notify him or her that a
3 child protective investigation occurred as a result of the
4 report. The department shall mail such a notice to the
5 reporter within 10 days after completing the child protective
6 investigation.

7 (5) All records and reports of the child protection
8 team are confidential and exempt from the provisions of ss.
9 119.07(1) and 455.667 ~~455.241~~, and shall not be disclosed,
10 except, upon request, to the state attorney, law enforcement,
11 the department, and necessary professionals, in furtherance of
12 the treatment or additional evaluative needs of the child or
13 by order of the court.

14 (6) The department shall make and keep reports and
15 records of all cases under this chapter and shall preserve the
16 records pertaining to a child and family until 7 years after
17 the last entry was made or until the child is 18 years of age,
18 whichever date is first reached, and may then destroy the
19 records. Department records required by this chapter are
20 confidential and exempt from the provisions of s. 119.07(1)
21 and s. 24(a), Art. I of the State Constitution and,
22 notwithstanding the provisions of this chapter, may be
23 inspected only upon order of the court or as provided for in
24 this section.

25 ~~(7)(6)~~ A person who knowingly or willfully makes
26 public or discloses to any unauthorized person any
27 confidential information contained in the central abuse
28 hotline is subject to the penalty provisions of s. 39.205
29 ~~415.513~~. This notice shall be prominently displayed on the
30 first sheet of any documents released pursuant to this
31 section.

1 Section 15. Section 415.511, Florida Statutes, is
2 renumbered as section 39.203, Florida Statutes, and amended to
3 read:

4 39.203 ~~415.511~~ Immunity from liability in cases of
5 child abuse, abandonment, or neglect.--

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

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

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

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

31

1 within a prescribed period of time shall establish a
2 rebuttable presumption that such action was retaliatory.

3 Section 16. Section 415.512, Florida Statutes, is
4 renumbered as section 39.204, Florida Statutes, and amended to
5 read:

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

24 Section 17. Section 415.513, Florida Statutes, is
25 renumbered as section 39.205, Florida Statutes, and amended to
26 read:

27 39.205 ~~415.513~~ Penalties relating to ~~abuse~~ reporting
28 of child abuse, abandonment, or neglect.--

29 (1) A person who is required by ~~s. 415.504~~ to report
30 known or suspected child abuse, abandonment, or neglect and
31 who knowingly and willfully fails to do so, or who knowingly

1 and willfully prevents another person from doing so, is guilty
2 of a misdemeanor of the second degree, punishable as provided
3 in s. 775.082 or s. 775.083.

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

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

17 (4) A person who knowingly and willfully makes a false
18 report of child abuse, abandonment, or neglect, or who advises
19 another to make a false report, is guilty of a misdemeanor of
20 the second degree, punishable as provided in s. 775.082 or s.
21 775.083. Anyone making a report who is acting in good faith is
22 immune from any liability under this subsection.

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

25 Section 18. Section 415.5131, Florida Statutes, is
26 renumbered as section 39.206, Florida Statutes, and amended to
27 read:

28 39.206 ~~415.5131~~ Administrative fines for false report
29 of abuse, abandonment, or neglect of a child.--

30 (1) In addition to any other penalty authorized by
31 this section, chapter 120, or other law, the department may

1 impose a fine, not to exceed \$1,000 for each violation, upon a
2 person who knowingly and willfully makes a false report of
3 abuse, abandonment, or neglect of a child, or a person who
4 counsels another to make a false report.

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

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

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

27 (5) At the hearing, the department must prove by clear
28 and convincing evidence that the person filed a false report
29 with the central abuse hotline ~~registry and tracking system~~.
30 The court shall advise any person against whom a fine may be
31

1 imposed of that person's right to be represented by counsel at
2 the hearing.

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

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

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

12 (c) Any previous false reports filed by the same
13 individual.

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

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

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

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

5 Section 19. Part III of chapter 39, Florida Statutes,
6 consisting of sections 39.301, 39.302, 39.303, 39.3035,
7 39.304, 39.305, 39.306, and 39.307, Florida Statutes, shall be
8 entitled to read:

9 PART III

10 PROTECTIVE INVESTIGATIONS

11 Section 20. Section 39.301, Florida Statutes, is
12 created to read:

13 39.301 Initiation of protective investigations.--

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

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

4 (a) The names of the investigators and identifying
5 credentials from the department.

6 (b) The purpose of the investigation.

7 (c) The right to obtain his or her own attorney and
8 ways that the information provided by the subject may be used.

9 (d) The possible outcomes and services of the
10 department's response shall be explained to the caregiver.

11 (e) The right of the parent, legal custodian, or
12 caregiver to be involved to the fullest extent possible in
13 determining the nature of the allegation and the nature of any
14 identified problem. the nature of any identified problem.

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

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

21 (5) The person responsible for the investigation shall
22 make a preliminary determination as to whether the report or
23 complaint is complete, consulting with the attorney for the
24 department when necessary. In any case in which the person
25 responsible for the investigation finds that the report or
26 complaint is incomplete, he or she shall return it without
27 delay to the person or agency originating the report or
28 complaint or having knowledge of the facts, or to the
29 appropriate law enforcement agency having investigative
30 jurisdiction, and request additional information in order to
31 complete the report or complaint; however, the confidentiality

1 of any report filed in accordance with this chapter shall not
2 be violated.

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

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

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

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

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

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

1 the name, address, date of birth, social security number, sex,
2 and race of each such person.

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

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

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

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

29 (7) If the department or its agent is denied
30 reasonable access to a child by the parents, legal custodians,
31 or caregivers and the department deems that the best interests

1 of the child so require, it shall seek an appropriate court
2 order or other legal authority to examine and interview the
3 child.

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

6 (a) Medical or other health care;

7 (b) Homemaker care, day care, protective supervision,
8 or other services to stabilize the home environment, including
9 intensive family preservation services through the Family
10 Builders Program, the Intensive Crisis Counseling Program, or
11 both; or

12 (c) Foster care, shelter care, or other substitute
13 care to remove the child from the custody of the parents,
14 legal guardians, or caregivers,

15
16 such services shall first be offered for voluntary acceptance
17 unless there are high-risk factors that may impact the ability
18 of the parents, legal guardians, or caregivers to exercise
19 judgment. Such factors may include the parents', legal
20 guardians', or caregivers' young age or history of substance
21 abuse or domestic violence. The parents, legal custodians, or
22 caregivers shall be informed of the right to refuse services,
23 as well as the responsibility of the department to protect the
24 child regardless of the acceptance or refusal of services. If
25 the services are refused or the department deems that the
26 child's need for protection so requires, the department shall
27 take the child into protective custody or petition the court
28 as provided in this chapter.

29 (9) When a child is taken into custody pursuant to
30 this section, the authorized agent of the department shall
31 request that the child's parent, caregiver, or legal custodian

1 disclose the names, relationships, and addresses of all
2 parents and prospective parents and all next of kin, so far as
3 are known.

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

7 (11) Immediately upon receipt of a report alleging, or
8 immediately upon learning during the course of an
9 investigation, that:

10 (a) The immediate safety or well-being of a child is
11 endangered;

12 (b) The family is likely to flee;

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

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

17 (e) A child is a victim of sexual battery or of sexual
18 abuse,

19
20 the department shall orally notify the jurisdictionally
21 responsible state attorney, and county sheriff's office or
22 local police department, and, as soon as practicable, transmit
23 the report to those agencies. The law enforcement agency
24 shall review the report and determine whether a criminal
25 investigation needs to be conducted and shall assume lead
26 responsibility for all criminal fact-finding activities. A
27 criminal investigation shall be coordinated, whenever
28 possible, with the child protective investigation of the
29 department. Any interested person who has information
30 regarding an offense described in this subsection may forward
31

1 a statement to the state attorney as to whether prosecution is
2 warranted and appropriate.

3 (12) In a child protective investigation or a criminal
4 investigation, when the initial interview with the child is
5 conducted at school, the department or the law enforcement
6 agency may allow, notwithstanding the provisions of s.
7 39.0132(4), a school instructional staff member who is known
8 by the child to be present during the initial interview if:

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

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

14
15 School instructional staff may only be present when authorized
16 by this subsection. Information received during the interview
17 or from any other source regarding the alleged abuse or
18 neglect of the child shall be confidential and exempt from the
19 provisions of s. 119.07(1), except as otherwise provided by
20 court order. A separate record of the investigation of the
21 abuse, abandonment, or neglect shall not be maintained by the
22 school or school instructional staff member. Violation of this
23 subsection constitutes a misdemeanor of the second degree,
24 punishable as provided in s. 775.082 or s. 775.083.

25 (13) Within 15 days after the completion of the
26 investigation of cases reported to him or her pursuant to this
27 section, the state attorney shall report his or her findings
28 to the department and shall include in such report a
29 determination of whether or not prosecution is justified and
30 appropriate in view of the circumstances of the specific case.

31

1 Section 21. Section 39.302, Florida Statutes, is
2 created to read:

3 39.302 Protective investigations of institutional
4 child abuse, abandonment, or neglect.--

5 (1) The department shall conduct a child protective
6 investigation of each report of institutional child abuse,
7 abandonment, or neglect. Upon receipt of a report which
8 alleges that an employee or agent of the department, or any
9 other entity or person covered by s. 39.01(32) or (47), acting
10 in an official capacity, has committed an act of child abuse,
11 abandonment, or neglect, the department shall immediately
12 initiate a child protective investigation and orally notify
13 the appropriate state attorney, law enforcement agency, and
14 licensing agency. These agencies shall immediately conduct a
15 joint investigation, unless independent investigations are
16 more feasible. When a facility is exempt from licensing, the
17 department shall inform the owner or operator of the facility
18 of the report. Each agency conducting a joint investigation
19 shall be entitled to full access to the information gathered
20 by the department in the course of the investigation. In all
21 cases, the department shall make a full written report to the
22 state attorney within 3 days after making the oral report. A
23 criminal investigation shall be coordinated, whenever
24 possible, with the child protective investigation of the
25 department. Any interested person who has information
26 regarding the offenses described in this subsection may
27 forward a statement to the state attorney as to whether
28 prosecution is warranted and appropriate. Within 15 days after
29 the completion of the investigation, the state attorney shall
30 report the findings to the department and shall include in
31 such report a determination of whether or not prosecution is

1 justified and appropriate in view of the circumstances of the
2 specific case.

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

26 (b) Upon completion of the department's child
27 protective investigation, the department may make application
28 to the circuit court for continued restrictive action against
29 any person necessary to safeguard the physical health, mental
30 health, and welfare of the children in care.

31

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

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

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

27 (6) In cases of institutional child abuse,
28 abandonment, or neglect in which the multiplicity of reports
29 of abuse, abandonment, or neglect or the severity of the
30 allegations indicates the need for specialized investigation
31 by the department in order to afford greater safeguards for

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

13 Section 22. Section 415.5055, Florida Statutes, is
14 renumbered as section 39.303, Florida Statutes, and amended to
15 read:

16 39.303 ~~415.5055~~ Child protection teams; services;
17 eligible cases.--The department shall develop, maintain, and
18 coordinate the services of one or more multidisciplinary child
19 protection teams in each of the service districts of the
20 department. Such teams may be composed of representatives of
21 appropriate health, mental health, social service, legal
22 service, and law enforcement agencies. The Legislature finds
23 that optimal coordination of child protection teams and sexual
24 abuse treatment programs requires collaboration between the
25 Department of Health and the Department of Children and Family
26 Services. The two departments shall maintain an interagency
27 agreement that establishes protocols for oversight and
28 operations of child protection teams and sexual abuse
29 treatment programs. The Secretary of Health and the Director
30 of the Division of Children's Medical Services, in
31 consultation with the Secretary of Children and Family

1 Services, shall maintain the responsibility for the screening,
2 employment, and, if necessary, the termination of child
3 protection team medical directors, at headquarters and in the
4 15 districts. Child protection team medical directors shall be
5 responsible for oversight of the teams in the districts.

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

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

25 (b) Telephone consultation services in emergencies and
26 in other situations.

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

29 (d) Such psychological and psychiatric diagnosis and
30 evaluation services for the child or the child's parent or
31 parents, legal custodian or custodians ~~guardian or guardians,~~

1 or other caregivers, or any other individual involved in a
2 child abuse, abandonment, or neglect case, as the team may
3 determine to be needed.

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

11 (f) Expert medical, psychological, and related
12 professional testimony in court cases.

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

26 (h) Case service coordination and assistance,
27 including the location of services available from other public
28 and private agencies in the community.

29 (i) Such training services for program and other
30 department employees as is deemed appropriate to enable them
31 to develop and maintain their professional skills and

1 abilities in handling child abuse, abandonment, and neglect
2 cases.

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

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

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

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

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

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

21 (e) Reported malnutrition of a child and failure of a
22 child to thrive.

23 (f) Reported medical, physical, or emotional neglect
24 of a child.

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

30
31

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

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

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

15 Section 23. Section 39.3035, Florida Statutes, is
16 created to read:

17 39.3035 Child advocacy centers; standards; state
18 funding.--

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

22 (a) Be a private, nonprofit incorporated agency.

23 (b) Have a neutral, child-focused facility where joint
24 department and law enforcement interviews take place with
25 children in appropriate cases of suspected child sexual and
26 physical abuse. All multidisciplinary agencies shall have a
27 place to interact with the child as investigative or treatment
28 needs require.

29 (c) Have a minimum designated staff that is supervised
30 and approved by the local board of directors.

31

1 (d) Have a multidisciplinary case review team that
2 meets on a regularly scheduled basis or as the caseload of the
3 community requires. The team shall consist of representatives
4 from the Office of the State Attorney, the department, mental
5 health and law enforcement entities, and the child advocacy
6 center staff. Medical personnel and a victim's advocate shall
7 also be part of the team.

8 (e) Provide case tracking of child abuse cases seen
9 through the center. A center shall also collect data on the
10 number of child abuse cases seen at the center by sex, race,
11 age, and other relevant data; the number of cases referred for
12 prosecution; and the number of cases referred for mental
13 health therapy.

14 (f) Provide referrals for medical exams and mental
15 health therapy. The center shall provide followup on cases
16 referred for mental health therapy.

17 (g) Provide training for various disciplines in the
18 community that deal with child abuse.

19 (h) Have an interagency commitment covering those
20 aspects of agency participation in a multidisciplinary
21 approach to the handling of child sexual and serious physical
22 abuse cases.

23 (i) Provide assurance that volunteers at the center
24 are trained and screened by appropriate resources.

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

31

1 (3) Any new child advocacy center within this state
2 that desires to become certified by the network may request
3 and receive initial funding if approved by the board of
4 directors of the network. Any center failing to meet the
5 standards established in subsection (1) for a period of 1 year
6 or longer shall not be eligible to receive state funding.

7 (4) The network board of directors shall be
8 responsible for allocating state-appropriated funds to
9 existing and new child advocacy centers which meet the
10 standards of subsection (1).

11 Section 24. Section 415.507, Florida Statutes, is
12 renumbered as section 39.304, Florida Statutes, and amended to
13 read:

14 39.304 ~~415.507~~ Photographs, medical examinations, X
15 rays, and medical treatment of abused, abandoned, or neglected
16 child.--

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

1 nurse practitioner licensed pursuant to chapter 464, who has
2 reasonable cause to suspect that an injury was the result of
3 child abuse, abandonment, or neglect may authorize a
4 radiological examination to be performed on the child without
5 the consent of the child's parent, caregiver ~~legal guardian~~,
6 or legal custodian.

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

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

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

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

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

31

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

3 (3) Any facility licensed under chapter 395 shall
4 provide to the department, its agent, or a child protection
5 team that contracts with the department any photograph or
6 report on examinations made or X rays taken pursuant to this
7 section, or copies thereof, for the purpose of investigation
8 or assessment of cases of abuse, abandonment, neglect, or
9 exploitation of children.

10 ~~(4)(3)~~ Any photograph or report on examinations made
11 or X rays taken pursuant to this section, or copies thereof,
12 shall be sent to the department as soon as possible.

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

24 ~~(5) The court shall order a defendant or juvenile~~
25 ~~offender who pleads guilty or nolo contendere to, or who is~~
26 ~~convicted of or adjudicated delinquent for, a violation of~~
27 ~~chapter 794 or chapter 800 to make restitution to the Crimes~~
28 ~~Compensation Trust Fund or to the county, whichever paid for~~
29 ~~the initial forensic physical examination, in an amount equal~~
30 ~~to the compensation paid to the medical provider for the cost~~
31 ~~of the initial forensic physical examination. The order may~~

1 ~~be enforced by the department in the same manner as a judgment~~
2 ~~in a civil action.~~

3 Section 25. Section 415.5095, Florida Statutes, is
4 renumbered as section 39.305, Florida Statutes, and amended to
5 read:

6 39.305 ~~415.5095~~ Intervention and treatment in sexual
7 abuse cases; model plan.--

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

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

26 Section 26. Section 39.306, Florida Statutes, is
27 created to read:

28 39.306 Child protective investigations; working
29 agreements with local law enforcement.--The department shall
30 enter into agreements with the jurisdictionally responsible
31 county sheriffs' offices and local police departments that

1 will assume the lead in conducting any potential criminal
2 investigations arising from allegations of child abuse,
3 abandonment, or neglect. The written agreement must specify
4 how the requirements of this chapter will be met. For the
5 purposes of such agreement, the jurisdictionally responsible
6 law enforcement entity is authorized to share Florida criminal
7 history information that is not otherwise exempt from s.
8 119.07(1) with the district personnel, authorized agent, or
9 contract provider directly responsible for the child
10 protective investigation and emergency child placement. The
11 agencies entering into such agreement must comply with s.
12 943.0525. Criminal justice information provided by such law
13 enforcement entity shall be used only for the purposes
14 specified in the agreement and shall be provided at no charge.

15 Section 27. Section 415.50171, Florida Statutes, is
16 renumbered as section 39.307, Florida Statutes, and subsection
17 (1), paragraph (a) of subsection (2), and subsection (6) of
18 said section are amended to read:

19 39.307 ~~415.50171~~ ~~Family services response system;~~
20 Reports of child-on-child sexual abuse.--

21 (1) Subject to specific appropriation, upon receiving
22 a report naming a child as an alleged juvenile sexual offender
23 or abuser alleging juvenile sexual abuse as defined in s.
24 ~~415.50165(7)~~, district staff shall, unless caregiver abuse,
25 abandonment, or neglect is involved, conduct a protective
26 services investigation ~~use a family services response system~~
27 ~~approach~~ to address the allegations of the report.

28 (2) District staff, at a minimum, shall adhere to the
29 following procedures:
30
31

1 (a) The purpose of the response to a report alleging
2 juvenile sexual abuse behavior shall be explained to the
3 caregiver.

4 1. The purpose of the response shall be explained in a
5 manner consistent with legislative purpose and intent provided
6 in this chapter ~~part~~.

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

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

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

18 Section 28. Part IV of chapter 39, Florida Statutes,
19 consisting of sections 39.311, 39.312, 39.313, 39.314, 39.315,
20 39.316, 39.317, and 39.318, Florida Statutes, shall be
21 entitled to read:

22 PART IV

23 FAMILY BUILDERS PROGRAM

24 Section 29. Section 415.515, Florida Statutes, is
25 renumbered as section 39.311, Florida Statutes, and amended to
26 read:

27 39.311 ~~415.515~~ Establishment of Family Builders
28 Program.--

29 (1) Any Family Builders Program that is established by
30 the department ~~of Children and Family Services or the~~
31 ~~Department of Juvenile Justice~~ shall provide family

1 preservation services to families whose children are at risk
2 of imminent out-of-home placement because they are dependent
3 ~~or delinquent or are children in need of services~~, to reunite
4 families whose children have been removed and placed in foster
5 care, and to maintain adoptive families intact who are at risk
6 of fragmentation. The Family Builders Program shall provide
7 programs to achieve long-term changes within families that
8 will allow children to remain with their families as an
9 alternative to the more expensive and potentially
10 psychologically damaging program of out-of-home placement.

11 (2) The department ~~of Children and Family Services and~~
12 ~~the Department of Juvenile Justice~~ may adopt rules to
13 implement the Family Builders Program.

14 Section 30. Section 415.516, Florida Statutes, is
15 renumbered as section 39.312, Florida Statutes, and amended to
16 read:

17 39.312 ~~415.516~~ Goals.--The goals of any Family
18 Builders Program shall be to:

19 (1) Ensure child health and safety while working with
20 the family.

21 (2)~~(1)~~ Help parents to improve their relationships
22 with their children and to provide better care, nutrition,
23 hygiene, discipline, protection, instruction, and supervision.

24 (3)~~(2)~~ Help parents to provide a better household
25 environment for their children by improving household
26 maintenance, budgeting, and purchasing.

27 (4)~~(3)~~ Provide part-time child care when parents are
28 unable to do so or need temporary relief.

29 (5)~~(4)~~ Perform household maintenance, budgeting, and
30 purchasing when parents are unable to do so on their own or
31 need temporary relief.

1 (6)~~(5)~~ Assist parents and children to manage and
2 resolve conflicts.

3 (7)~~(6)~~ Assist parents to meet the special physical,
4 mental, or emotional needs of their children and help parents
5 to deal with their own special physical, mental, or emotional
6 needs that interfere with their ability to care for their
7 children and to manage their households.

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

15 (9)~~(8)~~ Help families by providing cash or in-kind
16 assistance to meet their needs for food, clothing, housing, or
17 transportation when such needs prevent or threaten to prevent
18 parents from caring for their children, and when such needs
19 are not met by other sources in the community in a timely
20 fashion.

21 (10)~~(9)~~ Emphasize parental responsibility and
22 facilitate counseling for children at high risk of delinquent
23 behavior and their parents.

24 (11)~~(10)~~ Provide such additional reasonable services
25 for the prevention of maltreatment and unnecessary foster care
26 as may be needed in order to strengthen a family at risk.

27 Section 31. Section 415.517, Florida Statutes, is
28 renumbered as section 39.313, Florida Statutes, and amended to
29 read:

30 39.313 ~~415.517~~ Contracting of services.--The
31 department may contract for the delivery of Family Builders

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

12 Section 32. Section 415.518, Florida Statutes, is
13 renumbered as section 39.314, Florida Statutes, and amended to
14 read:

15 39.314 ~~415.518~~ Eligibility for Family Builders Program
16 services.--Family Builders Program services must be made
17 available to a family at risk on a voluntary basis, provided
18 the family meets the eligibility requirements as established
19 by rule and there is space available in the program. All
20 members of the families who accept such services are
21 responsible for cooperating fully with the family preservation
22 plan developed for each family under s. 39.315 ~~this section~~.
23 Families in which children are at imminent risk of sexual
24 abuse or physical endangerment perpetrated by a member of
25 their immediate household are not eligible to receive family
26 preservation services unless the perpetrator is in, or has
27 agreed to enter, a program for treatment and the safety of the
28 children may be enhanced through participation in the Family
29 Builders Program.

30 Section 33. Section 415.519, Florida Statutes, is
31 renumbered as section 39.315, Florida Statutes.

1 39.401 Taking a child alleged to be dependent into
2 custody; law enforcement officers and authorized agents of the
3 department.--

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

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

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

13 1. That the child has been abused, neglected, or
14 abandoned, or is suffering from or is in imminent danger of
15 illness or injury as a result of abuse, neglect, or
16 abandonment;

17 2. That the parent, legal custodian, caregiver, or
18 responsible adult relative ~~custodian~~ of the child has
19 materially violated a condition of placement imposed by the
20 court; or

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

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

27 (a) Release the child to:

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

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

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

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

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

15
16 For cases involving allegations of abandonment, abuse, or
17 neglect, or other dependency cases, within 3 days after such
18 release or within 3 days after delivering the child to an
19 authorized agent of the department, the law enforcement
20 officer who took the child into custody shall make a full
21 written report to the department.

22 (3) If the child is taken into custody by, or is
23 delivered to, an authorized agent of the department, the
24 authorized agent shall review the facts supporting the removal
25 with an attorney representing the department ~~legal staff prior~~
26 ~~to the emergency shelter hearing.~~ The purpose of this review
27 shall be to determine whether probable cause exists for the
28 filing of a an emergency shelter petition ~~pursuant to s.~~
29 ~~39.402(1)~~. If the facts are not sufficient to support the
30 filing of a shelter petition, the child shall immediately be
31 returned to the custody of the parent, caregiver,or legal

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

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

28 Section 40. Section 39.402, Florida Statutes, as
29 amended by chapter 97-276, Laws of Florida, is amended to
30 read:

31 39.402 Placement in a shelter.--

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

6 (a) The child has been abused, neglected, or
7 abandoned, or is suffering from or is in imminent danger of
8 illness or injury as a result of abuse, neglect, or
9 abandonment;

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

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

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

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

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

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

14 (b) The parents or legal custodians shall be given
15 written notice that:

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

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

23 2. They have the right to be represented by counsel,
24 and, if indigent, the right to be represented by appointed
25 counsel, at the shelter hearing and at each subsequent hearing
26 or proceeding, pursuant to the procedures set forth in s.
27 39.013.

28 ~~(6)(5)~~(a) The circuit court, or the county court, ~~if~~
29 previously designated by the chief judge of the circuit court
30 for such purpose, shall hold the shelter hearing.

31

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

4 ~~(7)(6)~~ A child may not be removed from the home or
5 continued out of the home pending disposition if, with the
6 provision of appropriate and available early intervention or
7 preventive services, including services provided in the home,
8 the child could safely remain at home. If the child's safety
9 and well-being are in danger, the child shall be removed from
10 danger and continue to be removed until the danger has passed.
11 If the child has been removed from the home and the reasons
12 for his or her removal have been remedied, the child may be
13 returned to the home. If the court finds that the prevention
14 or reunification efforts of the department will allow the
15 child to remain safely at home, the court shall allow the
16 child to remain in the home.

17 ~~(8)(7)(a)~~ A child may not be held in a shelter longer
18 than 24 hours unless an order so directing is entered by the
19 court after a ~~an emergency~~ shelter hearing. In the interval
20 until the shelter hearing is held, the decision to place the
21 child in a shelter or release the child from a shelter lies
22 with the protective investigator.~~At the emergency shelter~~
23 ~~hearing, the court shall appoint a guardian ad litem to~~
24 ~~represent the child unless the court finds that such~~
25 ~~representation is unnecessary.~~

26 (b) The parents or legal custodians of the child shall
27 be given such notice as best ensures their actual knowledge of
28 the time and place of the shelter hearing ~~and shall be given~~
29 ~~an opportunity to be heard and to present evidence at the~~
30 emergency shelter hearing. The failure to provide notice to a
31 party or participant does not invalidate an order placing a

1 child in a shelter if the court finds that the petitioner has
2 made a good faith effort to provide such notice.The court
3 shall require the parents or legal custodians present at the
4 hearing to provide to the court on the record the names,
5 addresses, and relationships of all parents, prospective
6 parents, and next of kin of the child, so far as are known.

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

8 1. Appoint a guardian ad litem to represent the child,
9 unless the court finds that such representation is
10 unnecessary;

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

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

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

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

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

31

- 1 1. That placement in shelter care is necessary based
2 on the criteria in subsections (1) and (2).
- 3 2. That placement in shelter care is in the best
4 interest of the child.
- 5 3. That continuation of the child in the home is
6 contrary to the welfare of the child because the home
7 situation presents a substantial and immediate danger to the
8 child's physical, mental, or emotional health or safety ~~child~~
9 which cannot be mitigated by the provision of preventive
10 services.
- 11 4. That based upon the allegations of the petition for
12 placement in shelter care, there is probable cause to believe
13 that the child is dependent.
- 14 5. That the department has made reasonable efforts to
15 prevent or eliminate the need for removal of the child from
16 the home. A finding of reasonable effort by the department to
17 prevent or eliminate the need for removal may be made and the
18 department is deemed to have made reasonable efforts to
19 prevent or eliminate the need for removal if:
- 20 a. The first contact of the department with the family
21 occurs during an emergency.
- 22 b. The appraisal of the home situation by the
23 department indicates that the home situation presents a
24 substantial and immediate danger to the child's physical,
25 mental, or emotional health or safety ~~child~~ which cannot be
26 mitigated by the provision of preventive services.
- 27 c. The child cannot safely remain at home, either
28 because there are no preventive services that can ensure the
29 health and safety of the child or because, even with
30 appropriate and available services being provided, the health
31 and safety of the child cannot be ensured.

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

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

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

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

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

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

30 ~~(8) A child may not be held in a shelter under an~~
31 ~~order so directing for more than 21 days unless an order of~~

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

24 (11)(12) If a ~~When~~ any child is placed in a shelter
25 pursuant to ~~under~~ a court order following a shelter hearing,
26 the court shall prepare a shelter hearing order requiring the
27 parents of the child, or the guardian of the child's estate,
28 if possessed of assets which under law may be disbursed for
29 the care, support, and maintenance of the child, to pay, to
30 the department or institution having custody of the child,
31 fees as established by the department. When the order affects

1 the guardianship estate, a certified copy of the order shall
2 be delivered to the judge having jurisdiction of the
3 guardianship estate.

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

8 (13)(9) A child may not be held in a shelter under an
9 order so directing for more than 60 days without an
10 adjudication of dependency.A child may not be held in a
11 shelter for more than 30 days after the entry of an order of
12 adjudication unless an order of disposition ~~under s. 39.41~~ has
13 been entered by the court.

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

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

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

26 1. Because of an unavailability of evidence material
27 to the case when the attorney for the department has exercised
28 due diligence to obtain such evidence and there are
29 substantial grounds to believe that such evidence will be
30 available within 30 days. However, if the department is not
31 prepared to present its case within 30 days, the parent or

1 ~~legal custodian guardian~~ may move for issuance of an order to
2 show cause or the court on its own motion may impose
3 appropriate sanctions, which may include dismissal of the
4 petition.

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

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

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

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

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

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

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

1 Section 41. Section 39.407, Florida Statutes, is
2 amended to read:

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

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

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

27 (a)1. Consent to medical treatment shall be obtained
28 from a parent or legal custodian ~~guardian~~ of the child; or
29 2. A court order for such treatment shall be obtained.
30 (b) If a parent or legal custodian ~~guardian~~ of the
31 child is unavailable and his or her whereabouts cannot be

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

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

19
20 In no case shall the department consent to sterilization,
21 abortion, or termination of life support.

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

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

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

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

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

30
31

1 (7) Except as otherwise provided herein, nothing in
2 this section shall be deemed to alter the provisions of s.
3 743.064.

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

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

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

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

30 (12) Nothing in this section alters the authority of
31 the department to consent to medical treatment for a dependent

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

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

13 Section 42. Section 39.4033, Florida Statutes, is
14 renumbered as section 39.4075, Florida Statutes, and amended
15 to read:

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

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

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

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

30 (4) This section applies only to courts in counties in
31 which dependency mediation programs have been established and

1 does not require the establishment of such programs in any
2 county.

3 Section 43. Part VI of chapter 39, Florida Statutes,
4 consisting of sections 39.501, 39.502, 39.503, 39.504, 39.505,
5 39.506, 39.507, 39.508, 39.509, and 39.510, Florida Statutes,
6 shall be entitled to read:

7 PART VI

8 PETITION, ARRAIGNMENT, ADJUDICATION,
9 AND DISPOSITION

10 Section 44. Section 39.404, Florida Statutes, is
11 renumbered as section 39.501, Florida Statutes, and amended to
12 read:

13 39.501 ~~39.404~~ Petition for dependency.--

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

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

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

30
31

1 (b) The form of the petition and its contents shall be
2 determined by rules of juvenile procedure adopted by the
3 Supreme Court.

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

9 (d) The petitioner must state in the petition, if
10 known, whether:

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

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

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

21 4. The department has determined that voluntary
22 services are not appropriate for this family and the reasons
23 for such determination.

24 (4) When a child has been placed in shelter status by
25 order of the court ~~the child has been taken into custody~~, a
26 petition alleging dependency must be filed within 7 days upon
27 demand of a party, but no later than 21 days after the shelter
28 hearing ~~after the date the child is taken into custody~~. In all
29 other cases, the petition must be filed within a reasonable
30 time after the date the child was referred to protective
31 investigation ~~under s. 39.403~~.

1 (5) A petition for termination of parental rights
2 ~~under s. 39.464~~ may be filed at any time.

3 Section 45. Section 39.405, Florida Statutes, as
4 amended by chapter 97-276, Laws of Florida, is renumbered as
5 section 39.502, Florida Statutes, and amended to read:

6 39.502 ~~39.405~~ Notice, process, and service.--

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

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

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

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

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

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

1 these orders were provided to the participant or party. Proof
2 of notice or provision of orders may be provided by certified
3 mail with a signed return receipt.

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

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

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

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

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

1 (12)~~(11)~~ All process and orders issued by the court
2 shall be served or executed as other process and orders of the
3 circuit court and, in addition, may be served or executed by
4 authorized agents of the department or the guardian ad litem.

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

9 (14)~~(13)~~ No fee shall 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 any other papers
12 are served or executed by any sheriff, the sheriff's fees
13 shall be paid by the county.

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

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

31

1 (16) If the party to whom an order is directed is
2 present or represented at the final hearing, service of the
3 order is not required.

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

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

14 Section 46. Section 39.4051, Florida Statutes, as
15 amended by chapter 97-276, Laws of Florida, is renumbered as
16 section 39.503, Florida Statutes, and amended to read:

17 39.503 ~~39.4051~~ Identity or location of parent or legal
18 custodian unknown; special procedures.--

19 (1) If the identity or location of a parent or legal
20 custodian is unknown and a petition for dependency or shelter
21 is filed, the court shall conduct the following inquiry of the
22 parent or legal custodian who is available, or, if no parent
23 or legal custodian is available, of any relative or custodian
24 of the child who is present at the hearing and likely to have
25 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

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

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

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

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

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

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

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

28 (6) The diligent search required by subsection (5)
29 must include, at a minimum, inquiries of all relatives of the
30 parent or prospective parent made known to the petitioner,
31 inquiries of all offices of program areas of the department

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

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

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

30
31

1 Section 47. Section 39.4055, Florida Statutes, is
2 renumbered as section 39.504, Florida Statutes, and
3 subsections (2) and (4) of said section are amended to read:

4 39.504 ~~39.4055~~ Injunction pending disposition of
5 petition for detention or dependency; penalty.--

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

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

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

31

1 Section 48. Section 39.406, Florida Statutes, is
2 renumbered as section 39.505, Florida Statutes, and amended to
3 read:

4 39.505 ~~39.406~~ No answer required.--No answer to the
5 petition or any other pleading need be filed by any child,
6 parent, or legal custodian, but any matters which might be set
7 forth in an answer or other pleading may be pleaded orally
8 before the court or filed in writing as any such person may
9 choose. Notwithstanding the filing of an answer or any
10 pleading, the respondent ~~child or parent~~ shall, prior to an
11 adjudicatory hearing, be advised by the court of the right to
12 counsel and shall be given an opportunity to deny the
13 allegations in the petition for dependency or to enter a plea
14 to allegations in the petition before the court.

15 Section 49. Subsection (1) of section 39.408, Florida
16 Statutes, is renumbered as section 39.506, Florida Statutes,
17 and amended to read:

18 39.506 ~~39.408~~ Arrest hearings for ~~dependency~~
19 ~~cases~~.--

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

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

1 adjudicatory hearing within 30 days after ~~7 days from~~ the date
2 of the arraignment hearing unless a continuance is granted
3 pursuant to this chapter ~~s. 39.402(11)~~.

4 (2)(b) When a child is in the custody of the parent,
5 ~~guardian,~~ or legal custodian, upon the filing of a petition
6 the clerk shall set a date for an arraignment hearing within a
7 reasonable time after the date of the filing. If the parent,
8 ~~guardian,~~ or legal custodian admits or consents to an
9 adjudication, the court shall proceed as set forth in the
10 Florida Rules of Juvenile Procedure. However, if the parent,
11 ~~guardian,~~ or legal custodian denies any of the allegations of
12 dependency, the court shall hold an adjudicatory hearing
13 within a reasonable time after the date of the arraignment
14 hearing.

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

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

1 ~~(5)(c)~~ If at the arraignment hearing the parent,
2 ~~guardian,~~ or legal custodian consents or admits to the
3 allegations in the petition, the court shall proceed to hold a
4 dispositional hearing no more than 15 days after the date of
5 the arraignment hearing unless a continuance is necessary at
6 ~~the earliest practicable time that will allow for the~~
7 ~~completion of a predisposition study.~~

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

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

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

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

30
31

1 Section 50. Subsection (2) of section 39.408, Florida
2 Statutes, and section 39.409, Florida Statutes, are renumbered
3 as section 39.507, Florida Statutes, and amended to read:

4 39.507 ~~39.408~~ Adjudicatory hearings; orders of
5 adjudication ~~Hearings for dependency cases.--~~

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

7 (1)(a) The adjudicatory hearing shall be held as soon
8 as practicable after the petition for dependency is filed and
9 in accordance with the Florida Rules of Juvenile Procedure,
10 but no later than 30 days after the arraignment, ~~reasonable~~
11 ~~delay~~ for the purpose of investigation, discovery, or
12 procuring counsel or witnesses. ~~shall, whenever practicable,~~
13 ~~be granted. If the child is in custody, the time limitations~~
14 ~~provided in s. 39.402 and subsection (1) of this section~~
15 ~~apply.~~

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

28 (2)(c) All hearings, except as provided in this
29 section, shall be open to the public, and a person may not be
30 excluded except on special order of the judge, who may close
31 any hearing to the public upon determining that the public

1 interest or the welfare of the child is best served by so
2 doing. However, the parents shall be allowed to obtain
3 discovery pursuant to the Florida Rules of Juvenile Procedure.
4 However, nothing in this subsection ~~paragraph~~ shall be
5 construed to affect the provisions of s. 39.202 ~~415.51(9)~~.
6 Hearings involving more than one child may be held
7 simultaneously when the children involved are related to each
8 other or were involved in the same case. The child and the
9 parents, caregivers, or legal custodians of the child may be
10 examined separately and apart from each other.

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

14 ~~39.409 Orders of adjudication.--~~

15 (4)(1) If the court finds at the adjudicatory hearing
16 that the child named in a petition is not dependent, it shall
17 enter an order so finding and dismissing the case.

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

31

1 (6)~~(3)~~ If the court finds that the child named in a
2 petition is dependent, but shall elect not to proceed under
3 subsection(5)~~(2)~~, it shall incorporate that finding in an
4 order of adjudication entered in the case, briefly stating the
5 facts upon which the finding is made, and the court shall
6 thereafter have full authority under this chapter to provide
7 for the child as adjudicated.

8 (7) At the conclusion of the adjudicatory hearing, if
9 the child named in the petition is found dependent, the court
10 shall schedule the disposition hearing within 30 days after
11 the filing of the adjudicatory order. All parties shall be
12 notified in writing by the court of the date, time, and
13 location of the disposition hearing.

14 (8)~~(4)~~ An order of adjudication by a court that a
15 child is dependent shall not be deemed a conviction, nor shall
16 the child be deemed to have been found guilty or to be a
17 criminal by reason of that adjudication, nor shall that
18 adjudication operate to impose upon the child any of the civil
19 disabilities ordinarily imposed by or resulting from
20 conviction or disqualify or prejudice the child in any civil
21 service application or appointment.

22 Section 51. Subsections (3) and (4) of section 39.408,
23 Florida Statutes, and section 39.41, Florida Statutes, as
24 amended by chapter 97-276, Laws of Florida, are renumbered as
25 section 39.508, Florida Statutes, and amended to read:

26 39.508 ~~39.408~~ Disposition hearings; powers of
27 disposition ~~Hearings for dependency cases.--~~

28 (1)~~(3)~~ ~~DISPOSITION HEARING.~~ At the disposition
29 hearing, if the court finds that the facts alleged in the
30 petition for dependency were proven in the adjudicatory
31 hearing, or if the parents, caregivers, or legal custodians

1 have consented to the finding of dependency or admitted the
2 allegations in the petition, have failed to appear for the
3 arraignment hearing after proper notice, or have not been
4 located despite a diligent search having been conducted, the
5 court shall receive and consider a case plan and a
6 predisposition study, which must be in writing and presented
7 by an authorized agent of the department.

8 (2)~~(a)~~ The predisposition study shall cover for any
9 dependent child all factors specified in s. 61.13(3), and must
10 also provide the court with the following documented
11 information:

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

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

18 (c)~~3.~~ A description of the benefits of returning the
19 child home.

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

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

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

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

30 (h)~~8.~~ The availability of appropriate prevention and
31 reunification services for the family to prevent the removal

1 of the child from the home or to reunify the child with the
2 family after removal, including the availability of family
3 preservation services through the Family Builders Program, the
4 Intensive Crisis Counseling Program, or both.

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

7 (j)~~10~~. The efforts by the department to prevent
8 out-of-home placement of the child or, when applicable, to
9 reunify the family if appropriate services were available,
10 including the application of intensive family preservation
11 services through the Family Builders Program, the Intensive
12 Crisis Counseling Program, or both.

13 (k)~~11~~. Whether the services were provided to the
14 family and child.

15 (l)~~12~~. If the services were provided, whether they
16 were sufficient to meet the needs of the child and the family
17 and to enable the child to remain safely at home or to be
18 returned home.

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

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

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

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

27 (p)~~17~~. If the child has been removed from the home and
28 there is a parent, caregiver, or legal custodian who may be
29 considered for custody pursuant to this section s. 39.41(1), a
30 recommendation as to whether placement of the child with that
31

1 parent, caregiver, or legal custodian would be detrimental to
2 the child.

3 (g) If the child has been removed from the home and
4 will be remaining with a relative or caregiver, a home study
5 report shall be included in the predisposition report.

6
7 Any other relevant and material evidence, including other
8 written or oral reports, may be received by the court in its
9 effort to determine the action to be taken with regard to the
10 child and may be relied upon to the extent of its probative
11 value, even though not competent in an adjudicatory hearing.
12 Except as otherwise specifically provided, nothing in this
13 section prohibits the publication of proceedings in a hearing.

14 (3)(a) Prior to recommending to the court any
15 out-of-home placement for a child other than placement in a
16 licensed shelter or foster home, the department shall conduct
17 a study of the home of the proposed caregivers, which must
18 include, at a minimum:

19 1. An interview with the proposed adult caregivers to
20 assess their ongoing commitment and ability to care for the
21 child.

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

28 3. An assessment of the physical environment of the
29 home.

30 4. A determination of the financial security of the
31 proposed caregivers.

1 5. A determination of suitable child care arrangements
2 if the proposed caregivers are employed outside of the home.

3 6. Documentation of counseling and information
4 provided to the proposed caregivers regarding the dependency
5 process and possible outcomes.

6 7. Documentation that information regarding support
7 services available in the community has been provided to the
8 caregivers.

9 (b) The department shall not place the child or
10 continue the placement of the child in the home of the
11 proposed caregivers if the results of the home study are
12 unfavorable.

13 (4)(b) If placement of the child with anyone other
14 than the child's parent, caregiver, or legal custodian is
15 being considered, the predisposition study shall include the
16 designation of a specific length of time as to when custody by
17 the parent, caregiver, or legal custodian will be
18 reconsidered.

19 ~~(c) A copy of the predisposition study must be~~
20 ~~furnished to all parties no later than 48 hours before the~~
21 ~~disposition hearing.~~

22 (5)(d) The predisposition study may not be made before
23 the adjudication of dependency unless the parents, caregivers,
24 or legal custodians of the child consent.

25 (6) A case plan and predisposition study must be filed
26 with the court and served upon the parents, caregivers, or
27 legal custodians of the child, provided to the representative
28 of the guardian ad litem program, if the program has been
29 appointed, and provided to all other parties not less than 48
30 hours before the disposition hearing. All such case plans must
31 be approved by the court. If the court does not approve the

1 case plan at the disposition hearing, the court must set a
2 hearing within 30 days after the disposition hearing to review
3 and approve the case plan.

4 (7) The initial judicial review must be held no later
5 than 90 days after the date of the disposition hearing or
6 after the date of the hearing at which the court approves the
7 case plan, but in no event shall the review be held later than
8 6 months after the date of the child's removal from the home.

9
10 ~~Any other relevant and material evidence, including other~~
11 ~~written or oral reports, may be received by the court in its~~
12 ~~effort to determine the action to be taken with regard to the~~
13 ~~child and may be relied upon to the extent of its probative~~
14 ~~value, even though not competent in an adjudicatory hearing.~~
15 ~~Except as provided in paragraph (2)(c), nothing in this~~
16 ~~section prohibits the publication of proceedings in a hearing.~~

17 ~~(4) NOTICE OF HEARINGS.--The parent or legal custodian~~
18 ~~of the child, the attorney for the department, the guardian ad~~
19 ~~litem, and all other parties and participants shall be given~~
20 ~~reasonable notice of all hearings provided for under this~~
21 ~~section.~~

22 ~~(8)39.41 Powers of disposition.--~~

23 ~~(1)~~ When any child is adjudicated by a court to be
24 dependent, and the court finds that removal of the child from
25 the custody of a parent, legal custodian, or caregiver is
26 necessary, the court shall first determine whether there is a
27 parent with whom the child was not residing at the time the
28 events or conditions arose that brought the child within the
29 jurisdiction of the court who desires to assume custody of the
30 child and, if such parent requests custody, the court shall
31 place the child with the parent unless it finds that such

1 placement would endanger the safety,and well-being, or
2 physical, mental, or emotional health of the child. Any party
3 with knowledge of the facts may present to the court evidence
4 regarding whether the placement will endanger the safety,and
5 well-being, or physical, mental, or emotional health of the
6 child. If the court places the child with such parent, it may
7 do either of the following:

8 (a) Order that the parent become the legal and
9 physical custodian of the child. The court may also provide
10 for reasonable visitation by the noncustodial parent. The
11 court shall then terminate its jurisdiction over the child.
12 The custody order shall continue unless modified by a
13 subsequent order of the court. The order of the juvenile court
14 shall be filed in any dissolution or other custody action or
15 proceeding between the parents.

16 (b) Order that the parent assume custody subject to
17 the jurisdiction of the juvenile court. The court may order
18 that reunification services be provided to the parent,
19 caregiver, or legal custodian ~~or guardian~~ from whom the child
20 has been removed, that services be provided solely to the
21 parent who is assuming physical custody in order to allow that
22 parent to retain later custody without court jurisdiction, or
23 that services be provided to both parents, in which case the
24 court shall determine at the review hearing held within 90
25 days after the disposition or the hearing approving the case
26 plan, and at the review hearings held every 6 months
27 thereafter, which parent, if either, shall have custody of the
28 child. The standard for changing custody of the child from one
29 parent to another or to a relative or caregiver must meet the
30 home study criteria and court approval pursuant to this
31 chapter ~~at the review hearings shall be the same standard as~~

1 ~~applies to changing custody of the child in a custody hearing~~
2 ~~following a decree of dissolution of marriage.~~

3 (9)(2)(a) When any child is adjudicated by a court to
4 be dependent, the court having jurisdiction of the child has
5 the power, by order, to:

6 1. Require the parent, caregiver, or legal guardian,
7 ~~or~~ custodian, and the child when appropriate, to participate
8 in treatment and services identified as necessary.

9 2. Require the parent, caregiver, or legal guardian,
10 ~~or~~ custodian, and the child when appropriate, to participate
11 in mediation if the parent, caregiver, or legal guardian, ~~or~~
12 custodian refused to participate in mediation ~~under s.~~
13 ~~39.4033.~~

14 3. Place the child under the protective supervision of
15 an authorized agent of the department, either in the child's
16 own home or, the prospective custodian being willing, in the
17 home of a relative of the child or of a caregiver ~~an adult~~
18 ~~nonrelative~~ approved by the court, or in some other suitable
19 place under such reasonable conditions as the court may
20 direct. ~~Whenever the child is placed under protective~~
21 ~~supervision pursuant to this section, the department shall~~
22 ~~prepare a case plan and shall file it with the court.~~

23 Protective supervision continues until the court terminates it
24 or until the child reaches the age of 18, whichever date is
25 first. Protective supervision shall ~~may~~ be terminated by the
26 court whenever the court determines that permanency has been
27 achieved for the child ~~the child's placement~~, whether with a
28 parent, another relative, a legal custodian, or a caregiver,
29 ~~or a nonrelative, is stable~~ and that protective supervision is
30 no longer needed. The termination of supervision may be with
31 or without retaining jurisdiction, at the court's discretion,

1 and shall in either case be considered a permanency option for
2 the child. The order terminating supervision by the
3 department of ~~Children and Family Services~~ shall set forth the
4 powers of the custodian of the child and shall include the
5 powers ordinarily granted to a guardian of the person of a
6 minor unless otherwise specified.

7 4. Place the child in the temporary legal custody of
8 an adult relative or caregiver ~~an adult nonrelative~~ approved
9 by the court who is willing to care for the child.

10 5.a. When the parents have failed to comply with a
11 case plan and the court determines at a judicial review
12 hearing, or at an adjudication hearing held pursuant to ~~s.~~
13 ~~39.453, or at a hearing held pursuant to subparagraph (1)(a)7.~~
14 ~~of~~ this section, that neither reunification, termination of
15 parental rights, nor adoption is in the best interest of the
16 child, the court may place the child in the long-term custody
17 of an adult relative or caregiver ~~adult nonrelative~~ approved
18 by the court willing to care for the child, if the following
19 conditions are met:

20 (I) A case plan describing the responsibilities of the
21 relative or caregiver ~~nonrelative~~, the department, and any
22 other party must have been submitted to the court.

23 (II) The case plan for the child does not include
24 reunification with the parents or adoption by the relative or
25 caregiver.

26 (III) The child and the relative or caregiver
27 ~~nonrelative custodian~~ are determined not to need protective
28 supervision or preventive services to ensure the stability of
29 the long-term custodial relationship, or the department
30 assures the court that protective supervision or preventive
31

1 services will be provided in order to ensure the stability of
2 the long-term custodial relationship.

3 (IV) Each party to the proceeding agrees that a
4 long-term custodial relationship does not preclude the
5 possibility of the child returning to the custody of the
6 parent at a later date.

7 (V) The court has considered the reasonable preference
8 of the child if the court has found the child to be of
9 sufficient intelligence, understanding, and experience to
10 express a preference.

11 (VI) The court has considered the recommendation of
12 the guardian ad litem if one has been appointed.

13 b. The court shall retain jurisdiction over the case,
14 and the child shall remain in the long-term custody of the
15 relative or caregiver ~~nonrelative~~ approved by the court until
16 the order creating the long-term custodial relationship is
17 modified by the court. The court may relieve the department of
18 the responsibility for supervising the placement of the child
19 whenever the court determines that the placement is stable and
20 that such supervision is no longer needed. Notwithstanding
21 the retention of jurisdiction, the placement shall be
22 considered a permanency option for the child when the court
23 relieves the department of the responsibility for supervising
24 the placement. The order terminating supervision by the
25 department of ~~Children and Family Services~~ shall set forth the
26 powers of the custodian of the child and shall include the
27 powers ordinarily granted to a guardian of the person of a
28 minor unless otherwise specified. The court may modify the
29 order terminating supervision of the long-term relative or
30 caregiver ~~nonrelative~~ placement if it finds that a party to
31 the proceeding has shown a material change in circumstances

1 which causes the long-term relative or caregiver ~~nonrelative~~
2 placement to be no longer in the best interest of the child.

3 6.a. Approve placement of the child in long-term
4 out-of-home ~~foster~~ care, when the following conditions are
5 met:

6 (I) The foster child is 16 years of age or older,
7 unless the court determines that the history or condition of a
8 younger child makes long-term out-of-home ~~foster~~ care the most
9 appropriate placement.

10 (II) The child demonstrates no desire to be placed in
11 an independent living arrangement pursuant to this subsection.

12 (III) The department's social services study pursuant
13 to part VIII ~~s. 39.453(6)(a)~~ recommends long-term out-of-home
14 ~~foster~~ care.

15 b. Long-term out-of-home ~~foster~~ care under the above
16 conditions shall not be considered a permanency option.

17 c. The court may approve placement of the child in
18 long-term out-of-home ~~foster~~ care, as a permanency option,
19 when all of the following conditions are met:

20 (I) The child is 14 years of age or older,

21 (II) The child is living in a licensed home and the
22 foster parents desire to provide care for the child on a
23 permanent basis and the foster parents and the child do not
24 desire adoption,

25 (III) The foster family has made a commitment to
26 provide for the child until he or she reaches the age of
27 majority and to prepare the child for adulthood and
28 independence, and

29 (IV) The child has remained in the home for a
30 continuous period of no less than 12 months.

31

1 (V) The foster parents and the child view one another
2 as family and consider living together as the best place for
3 the child to be on a permanent basis.

4 (VI) The department's social services study recommends
5 such placement and finds the child's well-being has been
6 promoted through living with the foster parents.

7 d. Notwithstanding the retention of jurisdiction and
8 supervision by the department, long-term out-of-home ~~foster~~
9 care placements made pursuant to ~~sub-subparagraph (2)(a)6.c.~~
10 ~~of~~ this section shall be considered a permanency option for
11 the child. For purposes of this subsection, supervision by
12 the department shall be defined as a minimum of semiannual
13 visits. The order placing the child in long-term out-of-home
14 ~~foster~~ care as a permanency option shall set forth the powers
15 of the custodian of the child and shall include the powers
16 ordinarily granted to a guardian of the person of a minor
17 unless otherwise specified. The court may modify the
18 permanency option of long-term out-of-home ~~foster~~ care if it
19 finds that a party to the proceeding has shown a material
20 change in circumstances which causes the placement to be no
21 longer in the best interests of the child.

22 e. Approve placement of the child in an independent
23 living arrangement for any foster child 16 years of age or
24 older, if it can be clearly established that this type of
25 alternate care arrangement is the most appropriate plan and
26 that the health, safety, and well-being of the child will not
27 be jeopardized by such an arrangement. While in independent
28 living situations, children whose legal custody has been
29 awarded to the department or a licensed child-caring or
30 child-placing agency, or who have been voluntarily placed with
31 such an agency by a parent, guardian, relative, or adult

1 nonrelative approved by the court, continue to be subject to
2 court review provisions.

3 ~~7. Commit the child to a licensed child-caring agency~~
4 ~~willing to receive the child. Continued commitment to the~~
5 ~~licensed child-caring agency, as well as all other proceedings~~
6 ~~under this section pertaining to the child, are also governed~~
7 ~~by part V of this chapter.~~

8 7.8. Commit the child to the temporary legal custody
9 of the department. Such commitment invests in the department
10 all rights and responsibilities of a legal custodian. The
11 department shall not return any child to the physical care and
12 custody of the person from whom the child was removed, except
13 for short visitation periods, without the approval of the
14 court. The term of such commitment continues until terminated
15 by the court or until the child reaches the age of 18. After
16 the child is committed to the temporary custody of the
17 department, all further proceedings under this section are
18 also governed by ~~part V~~ of this chapter.

19 8.9-a. Change the temporary legal custody or the
20 conditions of protective supervision at a postdisposition
21 hearing subsequent to the initial detention hearing, without
22 the necessity of another adjudicatory hearing. A child who has
23 been placed in the child's own home under the protective
24 supervision of an authorized agent of the department, in the
25 home of a relative, in the home of a legal custodian or
26 caregiver nonrelative, or in some other place may be brought
27 before the court by the agent of the department who is
28 supervising the placement or by any other interested person,
29 upon the filing of a petition alleging a need for a change in
30 the conditions of protective supervision or the placement. If
31 the parents or other custodians deny the need for a change,

1 the court shall hear all parties in person or by counsel, or
2 both. Upon the admission of a need for a change or after such
3 hearing, the court shall enter an order changing the
4 placement, modifying the conditions of protective supervision,
5 or continuing the conditions of protective supervision as
6 ordered. The standard for changing custody of the child from
7 one parent to another or to a relative or caregiver must meet
8 the home study criteria and court approval pursuant to this
9 chapter.

10 b. In cases where the issue before the court is
11 whether a child should be reunited with a parent, the court
12 shall determine whether the parent has substantially complied
13 with the terms of the case plan to the extent that the
14 ~~well-being and safety, well-being, and physical, mental, and~~
15 emotional health of the child is not endangered by the return
16 of the child to the home.

17 ~~10. Approve placement of the child in an independent~~
18 ~~living arrangement for any foster child 16 years of age or~~
19 ~~older, if it can be clearly established that this type of~~
20 ~~alternate care arrangement is the most appropriate plan and~~
21 ~~that the safety and welfare of the child will not be~~
22 ~~jeopardized by such an arrangement. While in independent~~
23 ~~living situations, children whose legal custody has been~~
24 ~~awarded to the department or a licensed child-caring or~~
25 ~~child-placing agency, or who have been voluntarily placed with~~
26 ~~such an agency by a parent, guardian, relative, or adult~~
27 ~~nonrelative approved by the court, continue to be subject to~~
28 ~~the court review provisions of s. 39.453.~~

29 (b) The court shall, in its written order of
30 disposition, include all of the following:

31

- 1 1. The placement or custody of the child as provided
2 in paragraph (a).
- 3 2. Special conditions of placement and visitation.
- 4 3. Evaluation, counseling, treatment activities, and
5 other actions to be taken by the parties, if ordered.
- 6 4. The persons or entities responsible for supervising
7 or monitoring services to the child and family.
- 8 5. Continuation or discharge of the guardian ad litem,
9 as appropriate.
- 10 6. The date, time, and location of the next scheduled
11 review hearing, which must occur within 90 days after the
12 disposition hearing or within the earlier of:
- 13 a. Six months after the date of the last review
14 hearing; or
- 15 b. Six months after the date of the child's removal
16 from his or her home, if no review hearing has been held since
17 the child's removal from the home.~~The period of time or date~~
18 ~~for any subsequent case review required by law.~~
- 19 7. Other requirements necessary to protect the health,
20 safety, and well-being of the child and to promote family
21 preservation or reunification whenever possible.
- 22 (c) If the court finds that the prevention or
23 reunification efforts of the department will allow the child
24 to remain safely at home or be safely returned to the home,
25 the court shall allow the child to remain in or return to the
26 home after making a specific finding of fact that the reasons
27 for removal have been remedied to the extent that the child's
28 safety, and well-being, and physical, mental, and emotional
29 health will not be endangered.
- 30 ~~(d)(5)(a)~~ If the court commits the child to the
31 temporary legal custody of the department, the disposition

1 order must include a written determination that the child
2 cannot safely remain at home with reunification or family
3 preservation services and that removal of the child is
4 necessary to protect the child. If the child has been removed
5 before the disposition hearing, the order must also include a
6 written determination as to whether, after removal, the
7 department has made a reasonable effort to reunify the family.
8 The department has the burden of demonstrating that it has
9 made reasonable efforts under this paragraph subsection.

10 1.(b) For the purposes of this paragraph subsection,
11 the term "reasonable effort" means the exercise of reasonable
12 diligence and care by the department to provide the services
13 delineated in the case plan.

14 2.(c) In support of its determination as to whether
15 reasonable efforts have been made, the court shall:

16 a.1. Enter written findings as to whether or not
17 prevention or reunification efforts were indicated.

18 b.2. If prevention or reunification efforts were
19 indicated, include a brief written description of what
20 appropriate and available prevention and reunification efforts
21 were made.

22 c.3. Indicate in writing why further efforts could or
23 could not have prevented or shortened the separation of the
24 family.

25 3.(d) A court may find that the department has made a
26 reasonable effort to prevent or eliminate the need for removal
27 if:

28 a.1. The first contact of the department with the
29 family occurs during an emergency.

30 b.2. The appraisal by the department of the home
31 situation indicates that it presents a substantial and

1 immediate danger to the child's safety or physical, mental, or
2 emotional health ~~child~~ which cannot be mitigated by the
3 provision of preventive services.

4 c.3. The child cannot safely remain at home, either
5 because there are no preventive services that can ensure the
6 health and safety of the child or, even with appropriate and
7 available services being provided, the health and safety of
8 the child cannot be ensured.

9 4.(e) A reasonable effort by the department for
10 reunification of the family has been made if the appraisal of
11 the home situation by the department indicates that the
12 severity of the conditions of dependency is such that
13 reunification efforts are inappropriate. The department has
14 the burden of demonstrating to the court that reunification
15 efforts were inappropriate.

16 5.(f) If the court finds that the prevention or
17 reunification effort of the department would not have
18 permitted the child to remain safely at home, the court may
19 commit the child to the temporary legal custody of the
20 department or take any other action authorized by this chapter
21 part.

22 (10)(3)(a) When any child is adjudicated by the court
23 to be dependent and temporary legal custody of the child has
24 been placed with an adult relative, legal custodian, or
25 caregiver ~~or adult nonrelative~~ approved by the court ~~willing~~
26 ~~to care for the child~~, a licensed child-caring agency, or the
27 department, the court shall, unless a parent has voluntarily
28 executed a written surrender for purposes of adoption, order
29 the parents, or the guardian of the child's estate if
30 possessed of assets which under law may be disbursed for the
31 care, support, and maintenance of the child, to pay child

1 support to the adult relative, legal custodian, or caregiver
2 ~~or nonrelative~~ caring for the child, the licensed child-caring
3 agency, or the department. The court may exercise jurisdiction
4 over all child support matters, shall adjudicate the financial
5 obligation, including health insurance, of the child's parents
6 or guardian, and shall enforce the financial obligation as
7 provided in chapter 61. The state's child support enforcement
8 agency shall enforce child support orders under this section
9 in the same manner as child support orders under chapter 61.

10 (b) Placement of the child pursuant to subsection (8)
11 ~~(1)~~ shall not be contingent upon issuance of a support order.

12 (11)(4)(a) If the court does not commit the child to
13 the temporary legal custody of an adult relative, legal
14 custodian, or caregiver ~~or adult nonrelative~~ approved by the
15 court, the disposition order shall include the reasons for
16 such a decision and shall include a determination as to
17 whether diligent efforts were made by the department to locate
18 an adult relative, legal custodian, or caregiver willing to
19 care for the child in order to present that placement option
20 to the court instead of placement with the department.

21 (b) If diligent efforts are ~~a diligent search is~~ made
22 to locate an adult relative willing and able to care for the
23 child but, because no suitable relative is found, the child is
24 placed with the department or a legal custodian or caregiver
25 ~~nonrelative custodian~~, both the department and the court shall
26 consider transferring temporary legal custody to an a willing
27 ~~adult relative or adult nonrelative~~ approved by the court at a
28 later date, but neither the department nor the court is
29 obligated to so place the child if it is in the child's best
30 interest to remain in the current placement. For the purposes
31 of this paragraph, "diligent efforts to locate an adult

1 relative" means a search similar to the diligent search for a
2 parent, but without the continuing obligation to search after
3 an initial adequate search is completed.

4 (12)(6) An agency granted legal custody shall have the
5 right to determine where and with whom the child shall live,
6 but an individual granted legal custody shall exercise all
7 rights and duties personally unless otherwise ordered by the
8 court.

9 (13)(7) In carrying out the provisions of this
10 chapter, the court may order the natural parents, caregivers,
11 or legal custodians ~~guardian~~ of a child who is found to be
12 dependent to participate in family counseling and other
13 professional counseling activities deemed necessary for the
14 rehabilitation of the child.

15 (14)(8) With respect to a child who is the subject in
16 proceedings under ~~part V of~~ this chapter, the court shall
17 issue to the department an order to show cause why it should
18 not return the child to the custody of the natural parents,
19 legal custodians, or caregivers upon expiration of the case
20 plan, or sooner if the parents, legal custodians, or
21 caregivers have substantially complied with the case plan.

22 (15)(9) The court may at any time enter an order
23 ending its jurisdiction over any child, except that, when a
24 child has been returned to the parents under subsection (14)
25 ~~(8)~~, the court shall not terminate its jurisdiction over the
26 child until 6 months after the child's return. Based on a
27 report of the department or agency or the child's guardian ad
28 litem, and any other relevant factors, the court shall then
29 determine whether its jurisdiction should be continued or
30 terminated in such a case; if its jurisdiction is to be
31 terminated, the court shall enter an order to that effect.

1 Section 52. Section 39.4105, Florida Statutes, is
2 renumbered as section 39.509, Florida Statutes, and amended to
3 read:

4 39.509 ~~39.4105~~ Grandparents rights.--Notwithstanding
5 any other provision of law, a maternal or paternal grandparent
6 as well as a stepgrandparent is entitled to reasonable
7 visitation with his or her grandchild who has been adjudicated
8 a dependent child and taken from the physical custody of the
9 ~~his or her~~ parent, custodian, legal guardian, or caregiver
10 unless the court finds that such visitation is not in the best
11 interest of the child or that such visitation would interfere
12 with the goals of the case plan ~~pursuant to s. 39.451~~.

13 Reasonable visitation may be unsupervised and, where
14 appropriate and feasible, may be frequent and continuing.

15 (1) Grandparent visitation may take place in the home
16 of the grandparent unless there is a compelling reason for
17 denying such a visitation. The department's caseworker shall
18 arrange the visitation to which a grandparent is entitled
19 pursuant to this section. The state shall not charge a fee
20 for any costs associated with arranging the visitation.
21 However, the grandparent shall pay for the child's cost of
22 transportation when the visitation is to take place in the
23 grandparent's home. The caseworker shall document the reasons
24 for any decision to restrict a grandparent's visitation.

25 (2) A grandparent entitled to visitation pursuant to
26 this section shall not be restricted from appropriate displays
27 of affection to the child, such as appropriately hugging or
28 kissing his or her grandchild. Gifts, cards, and letters from
29 the grandparent and other family members shall not be denied
30 to a child who has been adjudicated a dependent child.

31

1 (3) Any attempt by a grandparent to facilitate a
2 meeting between the child who has been adjudicated a dependent
3 child and the child's parent, custodian, legal guardian, or
4 caregiver in violation of a court order shall automatically
5 terminate future visitation rights of the grandparent.

6 (4) When the child has been returned to the physical
7 custody of his or her parent or permanent custodian, legal
8 guardian, or caregiver, the visitation rights granted pursuant
9 to this section shall terminate.

10 (5) The termination of parental rights does not affect
11 the rights of grandparents unless the court finds that such
12 visitation is not in the best interest of the child or that
13 such visitation would interfere with the goals of permanency
14 planning for the child.

15 ~~(6)~~~~(5)~~ In determining whether grandparental visitation
16 is not in the child's best interest, consideration may be
17 given to the finding of guilt, regardless of adjudication, or
18 entry or plea of guilty or nolo contendere to charges under
19 the following statutes, or similar statutes of other
20 jurisdictions: s. 787.04, relating to removing minors from
21 the state or concealing minors contrary to court order; s.
22 794.011, relating to sexual battery; s. 798.02, relating to
23 lewd and lascivious behavior; chapter 800, relating to
24 lewdness and indecent exposure; or chapter 827, relating to
25 the abuse of children. Consideration may also be given to a
26 finding of confirmed abuse, abandonment, or neglect under ss.
27 415.101-415.113 or this chapter and ~~ss. 415.502-415.514~~.

28 Section 53. Section 39.413, Florida Statutes, is
29 renumbered as section 39.510, Florida Statutes, and subsection
30 (1) of said section is amended to read:

31 39.510 ~~39.413~~ Appeal.--

1 (1) Any child, ~~any~~ parent, guardian ad litem,
2 caregiver, or legal custodian of any child, any other party to
3 the proceeding who is affected by an order of the court, or
4 the department may appeal to the appropriate district court of
5 appeal within the time and in the manner prescribed by the
6 Florida Rules of Appellate Procedure. Appointed counsel shall
7 be compensated as provided in this chapter ~~s. 39.415~~.

8 Section 54. Part VII of chapter 39, Florida Statutes,
9 consisting of sections 39.601, 39.602, and 39.603, Florida
10 Statutes, shall be entitled to read:

11 PART VII
12 CASE PLANS

13 Section 55. Sections 39.4031 and 39.451, Florida
14 Statutes, are renumbered as section 39.601, Florida Statutes,
15 and amended to read:

16 39.601 ~~39.4031~~ Case plan requirements.--

17 (1) The department or agent of the department shall
18 develop a case plan for each child or child's family receiving
19 services pursuant to this chapter ~~who is a party to any~~
20 ~~dependency proceeding, activity, or process under this part.~~
21 A parent, caregiver, or legal guardian, or custodian of a
22 child may not be required nor coerced through threat of loss
23 of custody or parental rights to admit in the case plan to
24 abusing, neglecting, or abandoning a child. Where dependency
25 mediation services are available and appropriate to the best
26 interests of the child, the court may refer the case to
27 mediation for development of a case plan. This section does
28 not change the provisions of s. 39.807 ~~39.464~~.

29 ~~(2) The case plan must be:~~

30 (a) The case plan must be developed in conference with
31 the parent, caregiver, or legal guardian, or custodian of the

1 child and, ~~if appropriate, the child and any court-appointed~~
2 guardian ad litem and, if appropriate, the child. ~~Any parent~~
3 ~~who believes that his or her perspective has not been~~
4 ~~considered in the development of a case plan may request~~
5 ~~referral to mediation pursuant to s. 39.4033 when such~~
6 ~~services are available.~~

7 (b) The case plan must be written simply and clearly
8 in English and, if English is not the principal language of
9 the child's parent, caregiver, or legal guardian, or
10 custodian, to the extent possible in such principal language.

11 (c) The case plan must describe the minimum number of
12 face-to-face meetings to be held each month between the
13 parents, caregivers, or legal custodians and the department's
14 caseworkers to review progress of the plan, to eliminate
15 barriers to progress, and to resolve conflicts or
16 disagreements.

17 ~~(d)(e)~~ The case plan must be subject to modification
18 based on changing circumstances.

19 ~~(e)(d)~~ The case plan must be signed by all parties.

20 ~~(f)(e)~~ The case plan must be reasonable, accurate, and
21 in compliance with the requirements of other court orders.

22 ~~(2)(3)~~ When the child or family is receiving services
23 ~~in the child's home, the case plan must be developed within 30~~
24 ~~days from the date of the department's initial contact with~~
25 ~~the child, or within 30 days of the date of a disposition~~
26 ~~order placing the child under the protective supervision of~~
27 ~~the department in the child's own home, and must include, in~~
28 addition to the requirements in subsection ~~(1)(2)~~, at a
29 minimum:

30 (a) A description of the problem being addressed that
31 includes the behavior or act of a parent, legal custodian, or

1 caregiver resulting in risk to the child and the reason for
2 the department's intervention.

3 (b) A description of the services to be provided to
4 the family and child specifically addressing the identified
5 problem, including:

- 6 1. Type of services or treatment.
- 7 2. Frequency of services or treatment.
- 8 3. Location of the delivery of the services.
- 9 4. The accountable department staff or service
10 provider.

11 ~~5. The need for a multidisciplinary case staffing~~
12 ~~under s. 39.4032.~~

13 (c) A description of the measurable objectives,
14 including timeframes for achieving objectives, addressing the
15 identified problem.

16 ~~(3)(4)~~ When the child is receiving services in a
17 placement outside the child's home or in foster care, the case
18 plan must be submitted to the court for approval at the
19 disposition hearing prepared within 30 days after placement
20 ~~and also be approved by the court~~ and must include, in
21 addition to the requirements in subsections (1) and (2) ~~and~~
22 ~~(3)~~, at a minimum:

23 (a) A description of the permanency goal for the
24 child, including the type of placement. Reasonable efforts to
25 place a child for adoption or with a legal guardian may be
26 made concurrently with reasonable efforts to prevent removal
27 of the child from the home or make it possible for the child
28 to return safely home.

29 (b) A description of the type of home or institution
30 in which the child is to be placed.

31

1 (c) A description of the financial support obligation
2 to the child, including health insurance, of the child's
3 parent, parents, caregiver, or legal custodian ~~or guardian~~.

4 (d) A description of the visitation rights and
5 obligations of the parent or parents, caregiver, or legal
6 custodian during the period the child is in care.

7 (e) A discussion of the safety and appropriateness of
8 the child's placement, which placement is intended to be safe,
9 ~~in~~ the least restrictive and most family-like setting
10 available consistent with the best interest and special needs
11 of the child, and in as close proximity as possible to the
12 child's home. The plan must also establish the role for the
13 foster parents or custodians in the development of the
14 services which are to be provided to the child, foster
15 parents, or legal custodians. It must also address the child's
16 need for services while under the jurisdiction of the court
17 and implementation of these services in the case plan.

18 (f) A discussion of the department's plans to carry
19 out the judicial determination made by the court, with respect
20 to the child, in accordance with this chapter and applicable
21 federal regulations.

22 (g) A description of the plan for assuring that
23 services outlined in the case plan are provided to the child
24 and the child's parent or parents, legal custodians, or
25 caregivers, to improve the conditions in the family home and
26 facilitate either the safe return of the child to the home or
27 the permanent placement of the child.

28 (h) A description of the plan for assuring that
29 services as outlined in the case plan are provided to the
30 child and the child's parent or parents, legal custodians, or
31

1 caregivers, to address the needs of the child and a discussion
2 of the appropriateness of the services.

3 (i) A description of the plan for assuring that
4 services are provided to the child and foster parents to
5 address the needs of the child while in foster care.

6 (j) A written notice to the parent that failure of the
7 parent to substantially comply with the case plan may result
8 in the termination of parental rights, and that a material
9 failure to substantially comply may result in the filing of a
10 petition for termination of parental rights sooner than the
11 compliance periods set forth in the case plan itself. The
12 child protection team shall coordinate its effort with the
13 case staffing committee.

14 (k) In the case of a child for whom the permanency
15 plan is adoption or placement in another permanent home,
16 documentation of the steps the agency is taking to find an
17 adoptive family or other permanent living arrangement for the
18 child, to place the child with an adoptive family, with a fit
19 and willing relative, with a legal guardian, or in another
20 planned permanent living arrangement, and to finalize the
21 adoption or legal guardianship. At a minimum, such
22 documentation shall include child-specific recruitment efforts
23 such as the use of state, regional, and national adoption
24 exchanges, including electronic exchange systems.

25 (4)(5) In the event that the parents, legal
26 custodians, or caregivers are unwilling or unable to
27 participate in the development of a case plan, the department
28 shall document that unwillingness or inability to participate.
29 Such documentation must be provided ~~and provide~~ in writing to
30 the parent, legal custodians, or caregivers when available for
31 the court record, and then the department shall prepare a case

1 plan conforming as nearly as possible with the requirements
2 set forth in this section. The unwillingness or inability of
3 the parents, legal custodians, or caregivers to participate in
4 the development of a case plan shall not in itself bar the
5 filing of a petition for dependency or for termination of
6 parental rights. The parents, legal custodians, or caregivers,
7 if available, must be provided a copy of the case plan and be
8 advised that they may at any time prior to the filing of
9 petition for termination of parental rights enter into a case
10 plan and that they may request judicial review of any
11 provision of the case plan with which they disagree at any
12 court review hearing set for the child.

13 ~~(5)(6)~~ The services delineated in the case plan must
14 be designed to improve the conditions in the family home and
15 aid in maintaining the child in the home, to facilitate the
16 safe return of the child to the family home, or to facilitate
17 the permanent placement of the child. The service intervention
18 must be the least intrusive possible into the life of the
19 family, must focus on clearly defined objectives, and must
20 provide the most efficient path to quick reunification or
21 permanent placement, with the child's health and safety being
22 paramount. To the extent possible, the service intervention
23 must be grounded in outcome evaluation results that
24 demonstrate success in the reunification or permanent
25 placement process. In designing service interventions,
26 generally recognized standards of the professions involved in
27 the process must be taken into consideration.

28 (6) After jurisdiction attaches, all case plans must
29 be filed with the court and a copy provided to the parents,
30 caregivers, or legal custodians of the child, to the
31 representative of the guardian ad litem program if the program

1 has been appointed, and to all other parties, not less than 48
2 hours before the disposition hearing. All such case plans must
3 be approved by the court. The department shall also file with
4 the court all case plans prepared before jurisdiction of the
5 court attached. If the court does not accept the case plan,
6 the court shall require the parties to make necessary
7 modifications to the plan. An amended plan must be submitted
8 to the court for review and approval within 30 days after the
9 hearing on the case plan.

10 ~~39.451 Case planning for children in foster care.--~~
11 ~~(1) In presenting the case plan to the court, the~~
12 ~~purpose of a case plan is to ensure permanency for children~~
13 ~~through recording the actions to be taken by the parties~~
14 ~~involved in order to quickly assure the safe return of the~~
15 ~~child to the parents or, if this is not possible, the~~
16 ~~termination of parental rights and the placement of the child~~
17 ~~with the department or a licensed child-placing agency for the~~
18 ~~purpose of finding a permanent adoptive home. Permanent~~
19 ~~adoptive placement is the primary permanency goal when a child~~
20 ~~is permanently placed with the department or a licensed~~
21 ~~child-placing agency. If it is not possible to find a~~
22 ~~permanent adoptive home, the case plan must record the actions~~
23 ~~taken for preparing the child for alternative permanency goals~~
24 ~~or placements such as long-term foster care or independent~~
25 ~~living.~~

26 (7)(2) The case plan must be limited to as short a
27 period as possible for the accomplishment of its provisions.
28 Unless extended under s. 39.453(8), the plan expires no later
29 than 12 ~~18~~ months after the date the child was initially
30 removed from the home or the date the case plan was accepted
31 by the court, whichever comes first.

1 (8)~~(3)~~ The case plan must meet applicable federal and
2 state requirements ~~as provided in s. 39.4031.~~

3 (9)~~(4)~~(a) In each case in which the custody of a child
4 has been vested, either voluntarily or involuntarily, in the
5 department and the child has been placed in out-of-home foster
6 care, a case plan must be prepared within 60 ~~30~~ days after the
7 department removes the child from the home, and shall be
8 submitted to the court before the disposition hearing, ~~with a~~
9 ~~hearing scheduled~~ for the court to review and accept ~~or modify~~
10 ~~the plan within an additional 30 days~~. If the preparation of a
11 case plan, in conference with the parents and other pertinent
12 parties, cannot be completed before the disposition hearing
13 ~~accomplished within 30 days~~, for good cause shown, the court
14 may grant an extension not to exceed 30 days and set a hearing
15 to review and accept the case plan.

16 (b) The parent or parents, legal custodians, or
17 caregivers may receive assistance from any person, or social
18 service agency in the preparation of the case plan.

19 (c) The social service agency, the department, and the
20 court, when applicable, shall inform the parent or parents,
21 legal custodians, or caregivers of the right to receive such
22 assistance, including the right to assistance of counsel.

23 (d)~~(c)~~ Before the signing of the case plan, the
24 authorized agent of the department shall explain it to all
25 persons involved in its implementation, including, when
26 appropriate, the child.

27 (e)~~(d)~~ After the case plan has been agreed upon and
28 signed by the parties involved, a copy of the plan must be
29 given immediately to the ~~natural~~ parents, the department or
30 agency, the foster parents or caregivers, the legal custodian,
31 the caregiver, the representative of the guardian ad litem

1 program if the program is appointed, and any other parties
2 identified by the court, including the child, if appropriate.

3 ~~(f)(e)~~ The case plan may be amended at any time if all
4 parties are in agreement regarding the revisions to the plan
5 and the plan is submitted to the court with a memorandum of
6 explanation. The case plan may also be amended by the court or
7 upon motion of any party at a hearing, based on competent
8 evidence demonstrating the need for the amendment. A copy of
9 the amended plan must be immediately given to the parties
10 specified in paragraph ~~(e)~~~~(d)~~.

11 ~~(5) The case plan must be submitted to the court and~~
12 ~~all parties for review and acceptance or modification at least~~
13 ~~72 hours prior to a court hearing. If the court does not~~
14 ~~accept any of the requirements of the case plan, the court~~
15 ~~shall require the parties to make necessary modifications to~~
16 ~~the plan. An amended plan must be submitted to the court for~~
17 ~~review and approval within a time certain specified by the~~
18 ~~court.~~

19 ~~(10)(6)~~ A case plan must be prepared, but need not be
20 submitted to the court, for a child who will be in care no
21 longer than 30 days unless that child is placed in out-of-home
22 ~~foster~~ care a second time within a 12-month period.

23 Section 56. Subsections (1), (2), (3), and (4) of
24 section 39.452, Florida Statutes, are renumbered as section
25 39.602, Florida Statutes, and amended to read:

26 39.602 ~~39.452~~ Case planning when parents, legal
27 custodians, or caregivers do not participate and the child is
28 in out-of-home ~~foster~~ care.--

29 ~~(1)(a)~~ In the event the parents, legal custodians, or
30 caregivers will not or cannot participate in preparation of a
31 case plan, the department shall submit a full explanation of

1 the circumstances and a plan for the permanent placement of
2 the child to the court within 30 days after the child has been
3 removed from the home and placed in temporary foster care and
4 schedule a court hearing within 30 days after submission of
5 the plan to the court to review and accept or modify the plan.
6 If preparation cannot be accomplished within 30 days, for good
7 cause shown, the court may grant extensions not to exceed 15
8 days each for the filing, the granting of which shall be for
9 similar reason to that contained in s. 39.451(4)(a).

10 (b) ~~In the full explanation of the circumstances~~
11 ~~submitted to the court, the department shall~~ state the nature
12 of its efforts to secure such persons'~~parental~~ participation
13 in the preparation of a case plan.

14 (2) In a case in which the physical, emotional, or
15 mental condition or physical location of the parent is the
16 basis for the parent's nonparticipation, it is the burden of
17 the department to provide substantial evidence to the court
18 that such condition or location has rendered the parent unable
19 or unwilling to participate in the preparation of a case plan,
20 either pro se or through counsel. The supporting documentation
21 must be submitted to the court at the time the plan is filed.

22 (3) The plan must include, but need not be limited to,
23 the specific services to be provided by the department, the
24 goals and plans for the child, and the time for accomplishing
25 the provisions of the plan and for accomplishing permanence
26 for the child.

27 (4)(a) At least 48 ~~Seventy-two~~ hours prior to the
28 filing of a plan, all parties ~~each parent~~ must be provided
29 with a copy of the plan developed by the department. If the
30 location of one or both parents is unknown, this must be
31 documented in writing and included in the plan submitted to

1 the court. After the filing of the plan, if the location of
2 an absent parent becomes known, that parent must be served
3 with a copy of the plan.

4 (b) Before the filing of the plan, the department
5 shall advise each parent, both orally and in writing, that the
6 failure of the parents to substantially comply with a plan
7 ~~which has reunification as its primary goal~~ may result in the
8 termination of parental rights, but only after notice and
9 hearing as provided in this chapter ~~part VI~~. If, after the
10 plan has been submitted to the court, an absent parent is
11 located, the department shall advise the parent, both orally
12 and in writing, that the failure of the parents to
13 substantially comply with a plan ~~which has reunification as~~
14 ~~its goal~~ may result in termination of parental rights, but
15 only after notice and hearing as provided in this chapter ~~part~~
16 ~~VI~~. Proof of written notification must be filed with the
17 court.

18 Section 57. Subsection (5) of section 39.452, Florida
19 Statutes, is renumbered as section 39.603, Florida Statutes,
20 and amended to read:

21 39.603 ~~39.452~~ Court approvals of case planning when
22 ~~parents do not participate and the child is in foster care.--~~

23 ~~(5)(a) The court shall set a hearing, with notice to~~
24 ~~all parties, on the plan or any provisions of the plan, within~~
25 ~~30 days after the plan has been received by the court. If the~~
26 ~~location of a parent is unknown, the notice must be directed~~
27 ~~to the last permanent address of record.~~

28 (1)(b) At the hearing on the plan, which shall occur
29 in conjunction with the disposition hearing unless otherwise
30 directed by the court, the court shall determine:
31

1 (a)1. All parties who were notified and are in
2 attendance at the hearing, either in person or through a legal
3 representative. The court shall appoint a guardian ad litem
4 under Rule 1.210, Florida Rules of Civil Procedure, to
5 represent the interests of any parent, if the location of the
6 parent is known but the parent is not present at the hearing
7 and the development of the plan is based upon the physical,
8 emotional, or mental condition or physical location of the
9 parent.

10 (b)2. If the plan is consistent with previous orders
11 of the court placing the child in care.

12 (c)3. If the plan is consistent with the requirements
13 for the content of a plan as specified in this chapter
14 ~~subsection (3)~~.

15 (d)4. In involuntary placements, whether each parent
16 was notified of the right to counsel at each stage of the
17 dependency proceedings, in accordance with the Florida Rules
18 of Juvenile Procedure.

19 (e)5. Whether each parent whose location was known was
20 notified of the right to participate in the preparation of a
21 case plan and of the right to receive assistance from any
22 other person in the preparation of the case plan.

23 (f)6. Whether the plan is meaningful and designed to
24 address facts and circumstances upon which the court based the
25 finding of dependency in involuntary placements or the plan is
26 meaningful and designed to address facts and circumstances
27 upon which the child was placed in out-of-home ~~foster~~ care
28 voluntarily.

29 (2)(c) When the court determines any of the elements
30 considered at the hearing related to the plan have not been
31 met, the court shall require the parties to make necessary

1 amendments to the plan. The amended plan must be submitted to
2 the court for review and approval within a time certain
3 specified by the court. A copy of the amended plan must also
4 be provided to each parent, if the location of the parent is
5 known.

6 (3)~~(d)~~ A parent who has not participated in the
7 development of a case plan must be served with a copy of the
8 plan developed by the department, if the parent can be
9 located, at least 48 ~~72~~ hours prior to the court hearing. Any
10 parent is entitled to, and may seek, a court review of the
11 plan prior to the initial ~~6 months~~ review and must be
12 informed of this right by the department at the time the
13 department serves the parent with a copy of the plan. If the
14 location of an absent parent becomes known to the department,
15 the department shall inform the parent of the right to a court
16 review at the time the department serves the parent with a
17 copy of the case plan.

18 Section 58. Part VIII of chapter 39, Florida Statutes,
19 consisting of sections 39.701, 39.702, 39.703, and 39.704,
20 Florida Statutes, shall be entitled to read:

21 PART VIII

22 JUDICIAL REVIEWS

23 Section 59. Section 39.453, Florida Statutes, is
24 renumbered as section 39.701, Florida Statutes, and amended to
25 read:

26 39.701 ~~39.453~~ Judicial review.--

27 (1)(a) The court shall have continuing jurisdiction in
28 accordance with this section and shall review the status of
29 the child as required by this subsection or more frequently if
30 the court deems it necessary or desirable.

31

1 (b) The court shall retain jurisdiction over a child
2 returned to its parents, caregivers, or legal guardians for a
3 period of 6 months, but, at that time, based on a report of
4 the social service agency and the guardian ad litem, if one
5 has been appointed, and any other relevant factors, the court
6 shall make a determination as to whether its jurisdiction
7 shall continue or be terminated.

8 ~~(c) After termination of parental rights, the court~~
9 ~~shall retain jurisdiction over any child for whom custody is~~
10 ~~given to a social service agency until the child is adopted.~~
11 ~~The jurisdiction of the court after termination of parental~~
12 ~~rights and custody is given to the agency is for the purpose~~
13 ~~of reviewing the status of the child and the progress being~~
14 ~~made toward permanent adoptive placement. As part of this~~
15 ~~continuing jurisdiction, for good cause shown by the guardian~~
16 ~~ad litem for the child, the court may review the~~
17 ~~appropriateness of the adoptive placement of the child.~~

18 (2)(a) The court shall review the status of the child
19 and shall hold a hearing as provided in this part ~~subsection~~
20 ~~(7)~~. The court may dispense with the attendance of the child
21 at the hearing, but may not dispense with the hearing or the
22 presence of other parties to the review unless before the
23 review a hearing is held before a citizen review panel at
24 which all other parties were in attendance.

25 ~~(b) Citizen review panels may be established under s.~~
26 ~~39.4531 to conduct hearings to a review of the status of a~~
27 ~~child. The court shall select the cases appropriate for~~
28 referral to the citizen review panels and may order the
29 attendance of the parties at the review panel hearings.
30 However, any party may object to the referral of a case to a
31 citizen review panel. Whenever such an objection has been

1 filed with the court, the periodic review of the status of the
2 child shall be conducted solely by the court as a judicial
3 review.

4 (c) Notice of a hearing by a citizen review panel must
5 be provided as set forth in subsection (5). At the conclusion
6 of a citizen review panel hearing, each party may propose a
7 recommended order to the chairperson of the panel. Thereafter,
8 the citizen review panel shall submit its report, copies of
9 the proposed recommended orders, and a copy of the panel's
10 recommended order to the court. The citizen review panel's
11 recommended order must be limited to the dispositional options
12 available to the court in subsection (8). Each party may file
13 exceptions to the report and recommended order of the citizen
14 review panel in accordance with Rule 1.490, Florida Rules of
15 Civil Procedure.

16 (3)(a) The initial judicial review must be held no
17 later than 90 days after the date of the disposition hearing
18 or after the date of the hearing at which the court approves
19 the case plan, but in no event shall the review be held later
20 than 6 months after the date the child was removed from the
21 home. Citizen review panels shall not conduct more than two
22 consecutive reviews without the child and the parties coming
23 before the court for a judicial review.~~if the child remains~~
24 ~~in shelter or foster care, subsequent judicial reviews must be~~
25 ~~held at least every 6 months after the date of the most recent~~
26 ~~judicial review until the child is 13 years old and has been~~
27 ~~in foster care at least 18 months.~~

28 (b) If the court extends any the case plan beyond 12
29 ~~18~~ months, judicial reviews must be held at least every 6
30 months ~~for children under the age of 13 and at least annually~~
31 ~~for children age 13 and older.~~

1 (c) If the child is placed in the custody of the
2 department or a licensed child-placing agency for the purpose
3 of adoptive placement, judicial reviews must be held at least
4 every 6 months until adoptive placement, to determine the
5 appropriateness of the current placement and the progress made
6 toward adoptive placement.

7 (d) If the department and the court have established a
8 formal agreement that includes specific authorization for
9 particular cases, the department may conduct administrative
10 reviews instead of the judicial reviews for children in
11 out-of-home foster care. Notices of such administrative
12 reviews must be provided to all parties. However, an
13 administrative review may not be substituted for the first
14 judicial review, and in every case the court must conduct a
15 judicial review at least every 6 ~~12~~ months. Any party
16 dissatisfied with the results of an administrative review may
17 petition for a judicial review.

18 (e) The clerk of the circuit court shall schedule
19 judicial review hearings in order to comply with the mandated
20 times cited in this section ~~paragraphs (a)-(d)~~.

21 (f) In each case in which a child has been voluntarily
22 placed with the licensed child-placing agency, the agency
23 shall notify the clerk of the court in the circuit where the
24 child resides of such placement within 5 working days.
25 Notification of the court is not required for any child who
26 will be in out-of-home foster care no longer than 30 days
27 unless that child is placed in out-of-home foster care a
28 second time within a 12-month period. If the child is returned
29 to the custody of the parents, caregiver, or legal custodian
30 ~~or guardian~~ before the scheduled review hearing or if the
31 child is placed for adoption, the child-placing agency shall

1 notify the court of the child's return or placement within 5
2 working days, and the clerk of the court shall cancel the
3 review hearing.

4 (4) The court shall schedule the date, time, and
5 location of the next judicial review in the judicial review
6 order.~~The social service agency shall file a petition for~~
7 ~~review with the court within 10 calendar days after the~~
8 ~~judicial review hearing. The petition must include a statement~~
9 ~~of the dispositional alternatives available to the court. The~~
10 ~~petition must accompany the notice of the hearing served upon~~
11 ~~persons specified in subsection (5).~~

12 (5) Notice of a judicial review hearing or a citizen
13 review panel ~~the hearing,~~ and a copy of the motion for
14 judicial review ~~petition~~, including a statement of the
15 dispositional alternatives available to the court, must be
16 served by the court upon:

17 (a) The social service agency charged with the
18 supervision of care, custody, or guardianship of the child, if
19 that agency is not the movant ~~petitioner~~.

20 (b) The foster parent or parents or caregivers
21 ~~caretakers~~ in whose home the child resides.

22 (c) The parent, caregiver, or legal custodian
23 ~~guardian, or relative~~ from whom the care and custody of the
24 child have been transferred.

25 (d) The guardian ad litem for the child, or the
26 representative of the guardian ad litem program if the program
27 ~~one~~ has been appointed.

28 (e) Any preadoptive parent.

29 (f) ~~(e)~~ Such other persons as the court may in its
30 discretion direct.

31

1 (6)(a) Prior to every judicial review hearing or
2 citizen review panel hearing, the social service agency shall
3 make an investigation and social study concerning all
4 pertinent details relating to the child and shall furnish to
5 the court or citizen review panel a written report that
6 includes, but is not limited to:

7 1. A description of the type of placement the child is
8 in at the time of the hearing, including the safety of the
9 child and the continuing necessity for and appropriateness of
10 the placement.

11 2. Documentation of the diligent efforts made by all
12 parties to the case plan to comply with each applicable
13 provision of the plan.

14 3. The amount of fees assessed and collected during
15 the period of time being reported.

16 4. The services provided to the foster family or
17 caregivers ~~caretakers~~ in an effort to address the needs of the
18 child as indicated in the case plan.

19 5. A statement that ~~concerning whether~~ the parent or
20 legal custodian ~~guardian~~, though able to do so, did not comply
21 substantially with the provisions of the case plan and the
22 agency recommendations or a statement that the parent or legal
23 custodian ~~guardian~~ did substantially comply with such
24 provisions.

25 6. A statement from the foster parent or parents or
26 caregivers ~~caretakers~~ providing any material evidence
27 concerning the return of the child to the parent or parents or
28 legal custodians.

29 7. A statement concerning the frequency, duration, and
30 results of the parent-child visitation, if any, and the agency
31

1 recommendations for an expansion or restriction of future
2 visitation.

3 8. The number of times a child has been removed from
4 his or her home and placed elsewhere, the number and types of
5 placements that have occurred, and the reason for the changes
6 in placement.

7 (b) A copy of the social service agency's written
8 report must be provided to the attorney of record of the
9 parent, parents, or legal custodians ~~guardian~~; to the parent,
10 parents, or legal custodians ~~guardian~~; to the foster parents
11 or caregivers ~~caretakers~~; to each citizen review panel
12 ~~established under s. 39.4531~~; and to the guardian ad litem for
13 the child, or the representative of the guardian ad litem
14 program if the program ~~one~~ has been appointed by the court, at
15 least 48 hours before the judicial review hearing, or citizen
16 review panel hearing ~~if such a panel has been established~~
17 ~~under s. 39.4531~~. The requirement for providing parents or
18 legal custodians ~~guardians~~ with a copy of the written report
19 does not apply to those parents or legal custodians ~~guardians~~
20 who have voluntarily surrendered their child for adoption.

21 (c) In a case in which the child has been permanently
22 placed with the social service agency, the agency shall
23 furnish to the court a written report concerning the progress
24 being made to place the child for adoption. If, ~~as stated in~~
25 ~~s. 39.451(1)~~, the child cannot be placed for adoption, a
26 report on the progress made by the child in alternative
27 permanency goals or placements, including, but not limited to,
28 long-term foster care, independent living, custody to a
29 relative or caregiver ~~adult nonrelative~~ approved by the court
30 on a permanent basis with or without legal guardianship, or
31 custody to a foster parent or caregiver on a permanent basis

1 with or without legal guardianship, must be submitted to the
2 court. The report must be submitted to the court at least 48
3 hours before each scheduled judicial review.

4 (d) In addition to or in lieu of any written statement
5 provided to the court, the foster parent or caregivers, or any
6 preadoptive parent, ~~caretakers~~ shall be given the opportunity
7 to address the court with any information relevant to the best
8 interests of the child at any judicial review hearing.

9 (7) The court, and any citizen review panel
10 ~~established under s. 39.4531~~, shall take into consideration
11 the information contained in the social services study and
12 investigation and all medical, psychological, and educational
13 records that support the terms of the case plan; testimony by
14 the social services agency, the parent or legal custodian
15 guardian, the foster parent or caregivers ~~caretakers~~, the
16 guardian ad litem if one has been appointed for the child, and
17 any other person deemed appropriate; and any relevant and
18 material evidence submitted to the court, including written
19 and oral reports to the extent of their probative value. In
20 its deliberations, the court, and any citizen review panel
21 ~~established under s. 39.4531~~, shall seek to determine:

22 (a) If the parent or legal custodian ~~guardian~~ was
23 advised of the right to receive assistance from any person or
24 social service agency in the preparation of the case plan.

25 (b) If the parent or legal custodian ~~guardian~~ has been
26 advised of the right to have counsel present at the judicial
27 review or citizen review hearings. If not so advised, the
28 court or citizen review panel shall advise the parent or legal
29 custodian ~~guardian~~ of such right.

30 (c) If a guardian ad litem needs to be appointed for
31 the child in a case in which a guardian ad litem has not

1 previously been appointed or if there is a need to continue a
2 guardian ad litem in a case in which a guardian ad litem has
3 been appointed.

4 (d) The compliance or lack of compliance of all
5 parties with applicable items of the case plan, including the
6 parents' compliance with child support orders.

7 (e) The compliance or lack of compliance with a
8 visitation contract between the parent, caregiver, or legal
9 custodian ~~or guardian~~ and the social service agency for
10 contact with the child, including the frequency, duration, and
11 results of the parent-child visitation and the reason for any
12 noncompliance.

13 (f) The compliance or lack of compliance of the
14 parent, caregiver, or legal custodian ~~or guardian~~ in meeting
15 specified financial obligations pertaining to the care of the
16 child, including the reason for failure to comply if such is
17 the case.

18 (g) The appropriateness of the child's current
19 placement, including whether the child is in a setting which
20 is as family-like and as close to the parent's home as
21 possible, consistent with the child's best interests and
22 special needs.

23 (h) A projected date likely for the child's return
24 home or other permanent placement.

25 (i) When appropriate, the basis for the unwillingness
26 or inability of the parent, caregiver, or legal custodian ~~or~~
27 ~~guardian~~ to become a party to a case plan. The court and the
28 citizen review panel shall determine if ~~the nature of the~~
29 ~~location or the condition of the parent and~~ the efforts of the
30 social service agency to secure party ~~parental~~ participation
31 in a case plan were sufficient.

1 (8)(a) Based upon the criteria set forth in subsection
2 (7) and the recommended order of the citizen review panel, if
3 any ~~established under s. 39.4531~~, the court shall determine
4 whether or not the social service agency shall initiate
5 proceedings to have a child declared a dependent child, return
6 the child to the parent, legal custodian, or caregiver,
7 continue the child in out-of-home ~~foster~~ care for a specified
8 period of time, or initiate termination of parental rights
9 proceedings for subsequent placement in an adoptive home.
10 Modifications to the plan must be handled as prescribed in s.
11 39.601 ~~39.451~~. If the court finds that the prevention or
12 reunification efforts of the department will allow the child
13 to remain safely at home or be safely returned to the home,
14 the court shall allow the child to remain in or return to the
15 home after making a specific finding of fact that the reasons
16 for removal have been remedied to the extent that the child's
17 safety, and well-being, and physical, mental, and emotional
18 health will not be endangered.

19 (b) The court shall return the child to the custody of
20 the parents, legal custodians, or caregivers at any time it
21 determines that they have substantially complied with the
22 plan, if the court is satisfied that reunification will not be
23 detrimental to the child's safety, and well-being, and
24 physical, mental, and emotional health.

25 (c) If, in the opinion of the court, the social
26 service agency has not complied with its obligations as
27 specified in the written case plan, the court may find the
28 social service agency in contempt, shall order the social
29 service agency to submit its plans for compliance with the
30 agreement, and shall require the social service agency to show
31 why the child could ~~should~~ not safely be returned ~~immediately~~

1 to the home of the parents, legal custodians, or caregivers or
2 ~~legal guardian~~.

3 (d) The court may extend the time limitation of the
4 case plan, or may modify the terms of the plan, based upon
5 information provided by the social service agency, and the
6 guardian ad litem, if one has been appointed, the natural
7 parent or parents, and the foster parents, and any other
8 competent information on record demonstrating the need for the
9 amendment. If the court extends the time limitation of the
10 case plan, the court must make specific findings concerning
11 the frequency of past parent-child visitation, if any, and the
12 court may authorize the expansion or restriction of future
13 visitation. Modifications to the plan must be handled as
14 prescribed in s. 39.601 ~~39.451~~. Any extension of a case plan
15 must comply with the time requirements and other requirements
16 specified by this chapter ~~part~~.

17 (e) If, at any judicial review, the court finds that
18 the parents have failed to substantially comply with the case
19 plan to the degree that further reunification efforts are
20 without merit and not in the best interest of the child, it
21 may authorize the filing of a petition for termination of
22 parental rights, whether or not the time period as contained
23 in the case plan for substantial compliance has elapsed.

24 (f) No later than 12 months after the date that the
25 child was placed in shelter care, the court shall conduct a
26 judicial review. At this hearing, if the child is not returned
27 to the physical custody of the parents, caregivers, or legal
28 custodians, the case plan may be extended with the same goals
29 only if the court finds that the situation of the child is so
30 extraordinary that the plan should be extended. The case plan
31 must document steps the department is taking to find an

1 adoptive parent or other permanent living arrangement for the
2 child.~~If, at the time of the 18-month judicial review or~~
3 ~~citizen review, the child is not returned to the physical~~
4 ~~custody of the natural parents, the case plan may be extended~~
5 ~~only if, at the time of the judicial review or citizen review,~~
6 ~~the court finds that the situation of the child is so~~
7 ~~extraordinary that the plan should be extended. The extension~~
8 ~~must be in accordance with subsection (3).~~

9 (g) The court may issue a protective order in
10 assistance, or as a condition, of any other order made under
11 this part. In addition to the requirements included in the
12 case plan, the protective order may set forth requirements
13 relating to reasonable conditions of behavior to be observed
14 for a specified period of time by a person or agency who is
15 before the court; and such order may require any such person
16 or agency to make periodic reports to the court containing
17 such information as the court in its discretion may prescribe.

18 Section 60. Section 39.4531, Florida Statutes, is
19 renumbered as section 39.702, Florida Statutes, and amended to
20 read:

21 39.702 ~~39.4531~~ Citizen review panels.--

22 (1) Citizen review panels may be established in each
23 judicial circuit and shall be authorized by an administrative
24 order executed by the chief judge of each circuit. The court
25 shall administer an oath of office to each citizen review
26 panel member which shall authorize the panel member to
27 participate in citizen review panels and make recommendations
28 to the court pursuant to the provisions of this section.

29 (2) Citizen review panels shall be administered by an
30 independent not-for-profit agency. For the purpose of this
31 section, an organization that has filed for nonprofit status

1 under the provisions of s. 501(c)(3) of the United States
2 Internal Revenue Code is an independent not-for-profit agency
3 for a period of 1 year after the date of filing. At the end
4 of that 1-year period, in order to continue conducting citizen
5 reviews, the organization must have qualified for nonprofit
6 status under s. 501(c)(3) of the United States Internal
7 Revenue Code and must submit to the chief judge of the circuit
8 court a consumer's certificate of exemption that was issued to
9 the organization by the Florida Department of Revenue and a
10 report of the organization's progress. If the agency has not
11 qualified for nonprofit status, the court must rescind its
12 administrative order that authorizes the agency to conduct
13 citizen reviews. All independent not-for-profit agencies
14 conducting citizen reviews must submit citizen review annual
15 reports to the court.

16 (3) For the purpose of this section, a citizen review
17 panel shall be composed of five volunteer members and shall
18 conform with the requirements of this chapter ~~section~~. The
19 presence of three members at a panel hearing shall constitute
20 a quorum. Panel members shall serve without compensation.

21 ~~(4)(3)~~ Based on the information provided to each
22 citizen review panel pursuant to s. 39.701 ~~39.453~~, each
23 citizen review panel shall provide the court with a report and
24 recommendations regarding the placement and dispositional
25 alternatives the court shall consider before issuing a
26 judicial review order.

27 ~~(5)(4)~~ The ~~An~~ independent not-for-profit agency
28 authorized to administer each citizen review panel shall:

29 (a) In collaboration with the department, develop
30 policies to assure that citizen review panels comply with all
31 applicable state and federal laws.

1 (b) Establish policies for the recruitment, selection,
2 retention, and terms of volunteer panel members. Final
3 selection of citizen review panel members shall, to the extent
4 possible, reflect the multicultural composition of the
5 community which they serve. A criminal background check and
6 personal reference check shall be conducted on each citizen
7 review panel member prior to the member serving on a citizen
8 review panel.

9 (c) In collaboration with the department, develop,
10 implement, and maintain a training program for citizen review
11 volunteers and provide training for each panel member prior to
12 that member serving on a review panel. Such training may
13 include, but shall not be limited to, instruction on
14 dependency laws, departmental policies, and judicial
15 procedures.

16 (d) Ensure that all citizen review panel members have
17 read, understood, and signed an oath of confidentiality
18 relating to ~~the citizen review hearings and~~ written or verbal
19 information provided to the panel members for review hearings.

20 (e) Establish policies to avoid actual or perceived
21 conflicts of interest by panel members during the review
22 process and to ensure accurate, fair reviews of each child
23 dependency case.

24 (f) Establish policies to ensure ongoing communication
25 with the department and the court.

26 (g) Establish policies to ensure adequate
27 communication with the parent, caregiver, or legal custodian
28 ~~or guardian~~, the foster parent or caregiver, the guardian ad
29 litem, and any other person deemed appropriate.

30 (h) Establish procedures that encourage attendance and
31 participation of interested persons and parties, including the

1 biological parents, foster parents or caregivers, or a
2 relative or nonrelative with whom the child is placed, at
3 citizen review hearings.

4 (i) Coordinate with existing citizen review panels to
5 ensure consistency of operating procedures, data collection,
6 ~~and~~ analysis, and report generation.

7 (j) Make recommendations as necessary to the court
8 concerning attendance of essential persons at the review and
9 other issues pertinent to an effective review process.

10 (k) Ensure consistent methods of identifying barriers
11 to the permanent placement of the child and delineation of
12 findings and recommendations to the court.

13 ~~(6)(5)~~ The department and agents of the department
14 shall submit information to the citizen review panel when
15 requested and shall address questions asked by the citizen
16 review panel to identify barriers to the permanent placement
17 of each child.

18 Section 61. Section 39.454, Florida Statutes, is
19 renumbered as section 39.703, Florida Statutes, and amended to
20 read:

21 39.703 ~~39.454~~ Initiation of termination of parental
22 rights proceedings.--

23 (1) If, in preparation for any judicial review hearing
24 under this chapter part, it is the opinion of the social
25 service agency that the parents ~~or legal guardian~~ of the child
26 have not complied with their responsibilities as specified in
27 the written case plan although able to do so, the social
28 service agency shall state its intent to initiate proceedings
29 to terminate parental rights, unless the social service agency
30 can demonstrate to the court that such a recommendation would
31 not be in the child's best interests. If it is the intent of

1 the department or licensed child-placing agency to initiate
2 proceedings to terminate parental rights, the department or
3 licensed child-placing agency shall file a petition for
4 termination of parental rights no later than 3 months after
5 the date of the previous judicial review hearing. If the
6 petition cannot be filed within 3 months, the department or
7 licensed child-placing agency shall provide a written report
8 to the court outlining the reasons for delay, the progress
9 made in the termination of parental rights process, and the
10 anticipated date of completion of the process.

11 (2) If, at the time of the 12-month ~~18-month~~ judicial
12 review hearing, a child is not returned to the physical
13 custody of the ~~natural~~ parents, caregivers, or legal
14 custodians, the social service agency shall initiate
15 termination of parental rights proceedings under ~~part VI of~~
16 this chapter within 30 days. Only if the court finds that the
17 situation of the child is so extraordinary and that the best
18 interests of the child will be met by such action at the time
19 of the judicial review may the case plan be extended. If the
20 court decides to extend the plan, the court shall enter
21 detailed findings justifying the decision to extend, as well
22 as the length of the extension. A termination of parental
23 rights petition need not be filed if: the child is being
24 cared for by a relative who chooses not to adopt the child;
25 the court determines that filing such a petition would not be
26 in the best interests of the child; or the state has not
27 provided the child's family, when reasonable efforts to return
28 a child are required, consistent with the time period in the
29 state's case plan, such services as the state deems necessary
30 for the safe return of the child to his or her home. Failure
31 to initiate termination of parental rights proceedings at the

1 time of the 12-month ~~18-month~~ judicial review or within 30
2 days after such review does not prohibit initiating
3 termination of parental rights proceedings at any other time.

4 Section 62. Section 39.456, Florida Statutes, is
5 renumbered as section 39.704, Florida Statutes, and amended to
6 read:

7 39.704 ~~39.456~~ Exemptions from judicial
8 review.--Judicial review ~~This part~~ does not apply to:

9 (1) Minors who have been placed in adoptive homes by
10 the department or by a licensed child-placing agency;

11 (2) Minors who are refugees or entrants to whom
12 federal regulations apply and who are in the care of a social
13 service agency; or

14 (3) Minors who are the subjects of termination of
15 parental rights cases ~~pursuant to s. 39.464.~~

16 Section 63. Part IX of chapter 39, Florida Statutes,
17 consisting of sections 39.801, 39.802, 39.803, 39.804, 39.805,
18 39.806, 39.807, 39.808, 39.809, 39.810, 39.811, 39.812,
19 39.813, 39.814, 39.815, and 39.816, Florida Statutes, shall be
20 entitled to read:

21 PART IX

22 TERMINATION OF PARENTAL RIGHTS

23 Section 64. Sections 39.46 and 39.462, Florida
24 Statutes, are renumbered as section 39.801, Florida Statutes,
25 and amended to read:

26 39.801 ~~39.46~~ Procedures and jurisdiction; notice;
27 service of process.--

28 (1) All procedures, including petitions, pleadings,
29 subpoenas, summonses, and hearings, in termination of parental
30 rights proceedings shall be according to the Florida Rules of
31 Juvenile Procedure unless otherwise provided by law.

1 (2) The circuit court shall have exclusive original
2 jurisdiction of a proceeding involving termination of parental
3 rights.

4 ~~39.462 Process and services.~~

5 (3)~~(1)~~ Before the court may terminate parental rights,
6 in addition to the other requirements set forth in this part,
7 the following requirements must be met:

8 (a) Notice of the date, time, and place of the
9 advisory hearing for the petition to terminate parental rights
10 and a copy of the petition must be personally served upon the
11 following persons, specifically notifying them that a petition
12 has been filed:

13 1. The parents of the child.

14 2. The caregivers or legal custodians ~~or guardian~~ of
15 the child.

16 3. If the parents who would be entitled to notice are
17 dead or unknown, a living relative of the child, unless upon
18 diligent search and inquiry no such relative can be found.

19 4. Any person who has physical custody of the child.

20 5. Any grandparent entitled to priority for adoption
21 under s. 63.0425.

22 6. Any prospective parent who has been identified
23 under s. 39.503 or s. 39.803 ~~s. 39.4051 or s. 39.4625~~.

24 7. The guardian ad litem for the child or the
25 representative of the guardian ad litem program, if the
26 program ~~one~~ has been appointed.

27
28 The document containing the notice to respond or appear must
29 contain, in type at least as large as the type in the balance
30 of the document, the following or substantially similar
31 language: "FAILURE TO PERSONALLY ~~RESPOND TO THIS NOTICE OR TO~~

1 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
2 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR ~~THESE~~
3 CHILDREN). "

4 (b) If a person required to be served with notice as
5 prescribed in paragraph (a) cannot be served, notice of
6 hearings must be given as prescribed by the rules of civil
7 procedure, and service of process must be made as specified by
8 law or civil actions.

9 (c) Notice as prescribed by this section may be
10 waived, in the discretion of the judge, with regard to any
11 person to whom notice must be given under this subsection if
12 the person executes, before two witnesses and a notary public
13 or other officer authorized to take acknowledgments, a written
14 surrender of the child to a licensed child-placing agency or
15 the department.

16 (d) If the person served with notice under this
17 section fails to ~~respond or~~ appear at the advisory hearing,
18 the failure to ~~respond or~~ appear shall constitute consent for
19 termination of parental rights by the person given notice.

20 (4)~~(2)~~ Upon the application of any party, the clerk or
21 deputy clerk shall issue, and the court on its own motion may
22 issue, subpoenas requiring the attendance and testimony of
23 witnesses and the production of records, documents, or other
24 tangible objects at any hearing.

25 (5)~~(3)~~ All process and orders issued by the court must
26 be served or executed as other process and orders of the
27 circuit court and, in addition, may be served or executed by
28 authorized agents of the department or the guardian ad litem.

29 (6)~~(4)~~ Subpoenas may be served within the state by any
30 person over 18 years of age who is not a party to the
31 proceeding.

1 (7)~~(5)~~ A fee may not be paid for service of any
2 process or other papers by an agent of the department or the
3 guardian ad litem. If any process, orders, or other papers are
4 served or executed by any sheriff, the sheriff's fees must be
5 paid by the county.

6 Section 65. Sections 39.461 and 39.4611, Florida
7 Statutes, are renumbered as section 39.802, Florida Statutes,
8 and amended to read:

9 39.802 ~~39.461~~ Petition for termination of parental
10 rights; filing; elements.--

11 (1) All proceedings seeking an adjudication to
12 terminate parental rights pursuant to this chapter must be
13 initiated by the filing of an original petition by the
14 department, the guardian ad litem, or a licensed child-placing
15 agency or by any other person who has knowledge of the facts
16 alleged or is informed of them and believes that they are
17 true.

18 (2) The form of the petition is governed by the
19 Florida Rules of Juvenile Procedure. The petition must be in
20 writing and signed by the petitioner under oath stating the
21 petitioner's good faith in filing the petition.

22 (3) When a petition for termination of parental rights
23 has been filed, the clerk of the court shall set the case
24 before the court for an advisory hearing.

25 ~~39.4611 Elements of petition for termination of~~
26 ~~parental rights.--~~

27 (4)~~(1)~~ A petition for termination of parental rights
28 filed under this chapter must contain facts supporting the
29 following allegations:

30 (a) That at least one of the grounds listed in s.
31 39.806 ~~39.464~~ has been met.

1 (b) That the parents of the child were informed of
2 their right to counsel at all hearings that they attend and
3 that a dispositional order adjudicating the child dependent
4 was entered in any prior dependency proceeding relied upon in
5 offering a parent a case plan as described in s. 39.806
6 ~~39.464~~.

7 (c) That the manifest best interests of the child, in
8 accordance with s. 39.810 ~~39.4612~~, would be served by the
9 granting of the petition.

10 ~~(5)(2)~~ When a petition for termination of parental
11 rights is filed under s. 39.806(1)~~39.464(1)~~, a separate
12 petition for dependency need not be filed and the department
13 need not offer the parents a case plan with a goal of
14 reunification, but may instead file with the court a case plan
15 with a goal of termination of parental rights to allow
16 continuation of services until the termination is granted or
17 until further orders of the court are issued.

18 ~~(6)(3)~~ The fact that a child has been previously
19 adjudicated dependent as alleged in a petition for termination
20 of parental rights may be proved by the introduction of a
21 certified copy of the order of adjudication or the order of
22 disposition of dependency.

23 ~~(7)(4)~~ The fact that the parent of a child was
24 informed of the right to counsel in any prior dependency
25 proceeding as alleged in a petition for termination of
26 parental rights may be proved by the introduction of a
27 certified copy of the order of adjudication or the order of
28 disposition of dependency containing a finding of fact that
29 the parent was so advised.

30 ~~(8)(5)~~ Whenever the department has entered into a case
31 plan with a parent with the goal of reunification, and a

1 petition for termination of parental rights based on the same
2 facts as are covered in the case plan is filed prior to the
3 time agreed upon in the case plan for the performance of the
4 case plan, the petitioner must allege and prove by clear and
5 convincing evidence that the parent has materially breached
6 the provisions of the case plan.

7 Section 66. Section 39.803, Florida Statutes, is
8 created to read:

9 39.803 Identity or location of parent unknown after
10 filing of termination of parental rights petition; special
11 procedures.--

12 (1) If the identity or location of a parent is unknown
13 and a petition for termination of parental rights is filed,
14 the court shall conduct the following inquiry of the parent
15 who is available, or, if no parent is available, of any
16 relative, caregiver, or legal custodian of the child who is
17 present at the hearing and likely to have the information:

18 (a) Whether the mother of the child was married at the
19 probable time of conception of the child or at the time of
20 birth of the child.

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

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

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

29 (e) Whether any man has acknowledged or claimed
30 paternity of the child in a jurisdiction in which the mother
31

1 resided at the time of or since conception of the child, or in
2 which the child has resided or resides.

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

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

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

12 (5) If the inquiry under subsection (1) identifies a
13 parent or prospective parent, and that person's location is
14 unknown, the court shall direct the department to conduct a
15 diligent search for that person before scheduling an
16 adjudicatory hearing regarding the dependency of the child
17 unless the court finds that the best interest of the child
18 requires proceeding without actual notice to the person whose
19 location is unknown.

20 (6) The diligent search required by subsection (5)
21 must include, at a minimum, inquiries of all known relatives
22 of the parent or prospective parent, inquiries of all offices
23 of program areas of the department likely to have information
24 about the parent or prospective parent, inquiries of other
25 state and federal agencies likely to have information about
26 the parent or prospective parent, inquiries of appropriate
27 utility and postal providers, and inquiries of appropriate law
28 enforcement agencies.

29 (7) Any agency contacted by petitioner with a request
30 for information pursuant to subsection (6) shall release the
31

1 requested information to the petitioner without the necessity
2 of a subpoena or court order.

3 (8) If the inquiry and diligent search identifies a
4 prospective parent, that person must be given the opportunity
5 to become a party to the proceedings by completing a sworn
6 affidavit of parenthood and filing it with the court or the
7 department. A prospective parent who files a sworn affidavit
8 of parenthood while the child is a dependent child but no
9 later than at the time of or prior to the adjudicatory hearing
10 in the termination of parental rights proceeding for the child
11 shall be considered a parent for all purposes under this
12 section.

13 Section 67. Section 39.4627, Florida Statutes, is
14 renumbered as section 39.804, Florida Statutes.

15 Section 68. Section 39.463, Florida Statutes, is
16 renumbered as section 39.805, Florida Statutes, and amended to
17 read:

18 39.805 ~~39.463~~ No answer required.--No answer to the
19 petition or any other pleading need be filed by any child,
20 parent, caregiver, or legal custodian, but any matters which
21 might be set forth in an answer or other pleading may be
22 pleaded orally before the court or filed in writing as any
23 such person may choose. Notwithstanding the filing of any
24 answer or any pleading, the child or parent shall, prior to
25 the adjudicatory hearing, be advised by the court of the right
26 to counsel and shall be given an opportunity to deny the
27 allegations in the petition for termination of parental rights
28 or to enter a plea to allegations in the petition before the
29 court.

30
31

1 Section 69. Section 39.464, Florida Statutes, as
2 amended by chapter 97-276, Laws of Florida, is renumbered as
3 section 39.806, Florida Statutes, and amended to read:

4 39.806 ~~39.464~~ Grounds for termination of parental
5 rights.--

6 (1) The department, the guardian ad litem, a licensed
7 child-placing agency, or any person who has knowledge of the
8 facts alleged or who is informed of said facts and believes
9 that they are true, may petition for the termination of
10 parental rights under any of the following circumstances:

11 (a) When the parent or parents voluntarily executed a
12 written surrender of the child and consented to the entry of
13 an order giving custody of the child to the department or to a
14 licensed child-placing agency for subsequent adoption and the
15 department or licensed child-placing agency is willing to
16 accept custody of the child.

17 1. The surrender document must be executed before two
18 witnesses and a notary public or other person authorized to
19 take acknowledgments.

20 2. The surrender and consent may be withdrawn after
21 acceptance by the department or licensed child-placing agency
22 only after a finding by the court that the surrender and
23 consent were obtained by fraud or duress.

24 (b) When the identity or location of the parent or
25 parents is unknown and, ~~if the court requires a diligent~~
26 ~~search pursuant to s. 39.4625,~~ cannot be ascertained by
27 diligent search ~~as provided in s. 39.4625~~ within 90 days.

28 (c) When the parent or parents engaged in conduct
29 toward the child or toward other children that demonstrates
30 that the continuing involvement of the parent or parents in
31 the parent-child relationship threatens the life, safety ~~or~~

1 well-being, or physical, mental, or emotional health of the
2 child irrespective of the provision of services. Provision of
3 services may be ~~is~~ evidenced by proof that services were
4 provided through a previous plan or offered as a case plan
5 from a child welfare agency.

6 (d) When the parent of a child is incarcerated in a
7 state or federal correctional institution and:

8 1. The period of time for which the parent is expected
9 to be incarcerated will constitute a substantial portion of
10 the period of time before the child will attain the age of 18
11 years;

12 2. The incarcerated parent has been determined by the
13 court to be a violent career criminal as defined in s.
14 775.084, a habitual violent felony offender as defined in s.
15 775.084, or a sexual predator as defined in s. 775.21; has
16 been convicted of first degree or second degree murder in
17 violation of s. 782.04 or a sexual battery that constitutes a
18 capital, life, or first degree felony violation of s. 794.011;
19 or has been convicted of an offense in another jurisdiction
20 which is substantially similar to one of the offenses listed
21 in this paragraph. As used in this section, the term
22 "substantially similar offense" means any offense that is
23 substantially similar in elements and penalties to one of
24 those listed in this paragraph, and that is in violation of a
25 law of any other jurisdiction, whether that of another state,
26 the District of Columbia, the United States or any possession
27 or territory thereof, or any foreign jurisdiction; and

28 3. The court determines by clear and convincing
29 evidence that continuing the parental relationship with the
30 incarcerated parent would be harmful to the child and, for
31

1 this reason, that termination of the parental rights of the
2 incarcerated parent is in the best interest of the child.

3 (e)~~(f)~~ A petition for termination of parental rights
4 may also be filed when a child has been adjudicated dependent,
5 a case plan has been filed with the court, and the child
6 continues to be abused, neglected, or abandoned by the
7 parents. In this case, the failure of the parents to
8 substantially comply for a period of 12 months after an
9 adjudication of the child as a dependent child constitutes
10 evidence of continuing abuse, neglect, or abandonment unless
11 the failure to substantially comply with the case plan was due
12 either to the lack of financial resources of the parents or to
13 the failure of the department to make reasonable efforts to
14 reunify the family. Such 12-month period may begin to run only
15 after the entry of a disposition order placing the custody of
16 the child with the department or a person other than the
17 parent and the approval by ~~subsequent filing with~~ the court of
18 a case plan with a goal of reunification with the parent.

19 (f)~~(e)~~ When the parent or parents engaged in egregious
20 conduct or had the opportunity and capability to prevent and
21 knowingly failed to prevent egregious conduct that threatens
22 the life, safety, or physical, mental, or emotional health
23 ~~that endangers the life, health, or safety of the child or the~~
24 ~~child's sibling or had the opportunity and capability to~~
25 ~~prevent egregious conduct that threatened the life, health, or~~
26 ~~safety of the child or the child's sibling and knowingly~~
27 ~~failed to do so.~~

28 1. As used in this subsection, the term "sibling"
29 means another child who resides with or is cared for by the
30 parent or parents regardless of whether the child is related
31 legally or by consanguinity.

1 2. As used in this subsection, the term "egregious
2 conduct ~~abuse~~" means abuse, abandonment, neglect, or any other
3 conduct of the parent or parents that is deplorable, flagrant,
4 or outrageous by a normal standard of conduct. Egregious
5 conduct ~~abuse~~ may include an act or omission that occurred
6 only once but was of such intensity, magnitude, or severity as
7 to endanger the life of the child.

8 (g) When the parent or parents have subjected the
9 child to aggravated child abuse as defined in s. 827.03,
10 sexual battery or sexual abuse as defined in s. 39.01, or
11 chronic abuse.

12 (h) When the parent or parents have committed murder
13 or voluntary manslaughter of another child of the parent, or a
14 felony assault that results in serious bodily injury to the
15 child or another child of the parent, or aided or abetted,
16 attempted, conspired, or solicited to commit such a murder or
17 voluntary manslaughter or felony assault.

18 (i) When the parental rights of the parent to a
19 sibling have been terminated involuntarily.

20 (2) Reasonable efforts to preserve and reunify
21 families shall not be required if a court of competent
22 jurisdiction has determined that any of the events described
23 in paragraphs (e)-(i) have occurred.

24 (3)(2) When a petition for termination of parental
25 rights is filed under subsection (1), a separate petition for
26 dependency need not be filed and the department need not offer
27 the parents a case plan with a goal of reunification, but may
28 instead file with the court a case plan with a goal of
29 termination of parental rights to allow continuation of
30 services until the termination is granted or until further
31 orders of the court are issued.

1 (4) When an expedited termination of parental rights
2 petition is filed, reasonable efforts shall be made to place
3 the child in a timely manner in accordance with the permanency
4 plan, and to complete whatever steps are necessary to finalize
5 the permanent placement of the child.

6 Section 70. Section 39.465, Florida Statutes, is
7 renumbered as section 39.807, Florida Statutes, and amended to
8 read:

9 39.807 ~~39.465~~ Right to counsel; guardian ad litem.--

10 (1)(a) At each stage of the proceeding under this
11 part, the court shall advise the parent, ~~guardian, or~~
12 ~~custodian~~ of the right to have counsel present. The court
13 shall appoint counsel for indigent ~~insolvent~~ persons. The
14 court shall ascertain whether the right to counsel is
15 understood and, where appropriate, is knowingly and
16 intelligently waived. The court shall enter its findings in
17 writing with respect to the appointment or waiver of counsel
18 for indigent ~~insolvent~~ parties.

19 (b) Once counsel has been retained or, in appropriate
20 circumstances, appointed to represent the parent of the child,
21 the attorney shall continue to represent the parent throughout
22 the proceedings or until the court has approved discontinuing
23 the attorney-client relationship. If the attorney-client
24 relationship is discontinued, the court shall advise the
25 parent of the right to have new counsel retained or appointed
26 for the remainder of the proceedings.

27 (c)~~(b)~~1. No waiver of counsel may be accepted if it
28 appears that the parent, ~~guardian, or custodian~~ is unable to
29 make an intelligent and understanding choice because of mental
30 condition, age, education, experience, the nature or
31 complexity of the case, or other factors.

1 2. A waiver of counsel made in court must be of
2 record. A waiver made out of court must be in writing with not
3 less than two attesting witnesses and must be filed with the
4 court. The witnesses shall attest to the voluntary execution
5 of the waiver.

6 3. If a waiver of counsel is accepted at any stage of
7 the proceedings, the offer of assistance of counsel must be
8 renewed by the court at each subsequent stage of the
9 proceedings at which the parent, ~~guardian, or custodian~~
10 appears without counsel.

11 (d)~~(c)~~ This subsection does not apply to any parent
12 who has voluntarily executed a written surrender of the child
13 and consent to the entry of a court order therefor and who
14 does not deny the allegations of the petition.

15 (2)(a) The court shall appoint a guardian ad litem to
16 represent the child in any termination of parental rights
17 proceedings and shall ascertain at each stage of the
18 proceedings whether a guardian ad litem has been appointed.

19 (b) The guardian ad litem has the following
20 responsibilities:

21 1. To investigate the allegations of the petition and
22 any subsequent matters arising in the case and, unless excused
23 by the court, to file a written report. This report must
24 include a statement of the wishes of the child and the
25 recommendations of the guardian ad litem and must be provided
26 to all parties and the court at least 48 hours before the
27 disposition hearing.

28 2. To be present at all court hearings unless excused
29 by the court.

30
31

1 3. To represent the interests of the child until the
2 jurisdiction of the court over the child terminates or until
3 excused by the court.

4 ~~4. To perform such other duties and undertake such~~
5 ~~other responsibilities as the court may direct.~~

6 (c) A guardian ad litem is not required to post bond
7 but shall file an acceptance of the office.

8 (d) A guardian ad litem is entitled to receive service
9 of pleadings and papers as provided by the Florida Rules of
10 Juvenile Procedure.

11 (e) This subsection does not apply to any voluntary
12 relinquishment of parental rights proceeding.

13 Section 71. Section 39.466, Florida Statutes, is
14 renumbered as section 39.808, Florida Statutes, and amended to
15 read:

16 39.808 ~~39.466~~ Advisory hearing; pretrial status
17 conference.--

18 (1) An advisory hearing on the petition to terminate
19 parental rights must be held as soon as possible after all
20 parties have been served with a copy of the petition and a
21 notice of the date, time, and place of the advisory hearing
22 for the petition.

23 (2) At the hearing the court shall inform the parties
24 of their rights under s. 39.807 ~~39.465~~, shall appoint counsel
25 for the parties in accordance with legal requirements, and
26 shall appoint a guardian ad litem to represent the interests
27 of the child if one has not already been appointed.

28 (3) The court shall set a date for an adjudicatory
29 hearing to be held within 45 days after the advisory hearing,
30 unless all of the necessary parties agree to some other
31 hearing date.

1 (4) An advisory hearing may not be held if a petition
2 is filed seeking an adjudication voluntarily to terminate
3 parental rights. Adjudicatory hearings for petitions for
4 voluntary termination must be held within 21 days after the
5 filing of the petition. Notice of the use of this subsection
6 must be filed with the court at the same time as the filing of
7 the petition to terminate parental rights.

8 (5) Not less than 10 days before the adjudicatory
9 hearing, the court shall conduct a prehearing status
10 conference to determine the order in which each party may
11 present witnesses or evidence, the order in which
12 cross-examination and argument shall occur, and any other
13 matters that may aid in the conduct of the adjudicatory
14 hearing to prevent any undue delay in the conduct of the
15 adjudicatory hearing.

16 Section 72. Section 39.467, Florida Statutes, is
17 renumbered as section 39.809, Florida Statutes, and
18 subsections (1) and (4) of said section are amended to read:

19 39.809 ~~39.467~~ Adjudicatory hearing.--

20 (1) In a hearing on a petition for termination of
21 parental rights, the court shall consider the elements
22 required for termination ~~as set forth in s. 39.4611~~. Each of
23 these elements must be established by clear and convincing
24 evidence before the petition is granted.

25 (4) All hearings involving termination of parental
26 rights are confidential and closed to the public. Hearings
27 involving more than one child may be held simultaneously when
28 the children involved are related to each other or were
29 involved in the same case. The child and the parents ~~or legal~~
30 ~~custodians~~ may be examined separately and apart from each
31 other.

1 Section 73. Section 39.4612, Florida Statutes, is
2 renumbered as section 39.810, Florida Statutes, and subsection
3 (3) of said section is amended to read:

4 39.810 ~~39.4612~~ Manifest best interests of the
5 child.--In a hearing on a petition for termination of parental
6 rights, the court shall consider the manifest best interests
7 of the child. This consideration shall not include a
8 comparison between the attributes of the parents and those of
9 any persons providing a present or potential placement for the
10 child. For the purpose of determining the manifest best
11 interests of the child, the court shall consider and evaluate
12 all relevant factors, including, but not limited to:

13 (3) The capacity of the parent or parents to care for
14 the child to the extent that the child's safety, well-being,
15 and physical, mental, and emotional health ~~and well-being~~ will
16 not be endangered upon the child's return home.

17 Section 74. Section 39.469, Florida Statutes, is
18 renumbered as section 39.811, Florida Statutes, and amended to
19 read:

20 39.811 ~~39.469~~ Powers of disposition; order of
21 disposition.--

22 (1) If the court finds that the grounds for
23 termination of parental rights have not been established by
24 clear and convincing evidence, the court shall:

25 (a) If grounds for dependency have been established,
26 adjudicate or readjudicate the child dependent and:

27 1. Enter an order placing or continuing the child in
28 out-of-home ~~foster~~ care under a case plan; or

29 2. Enter an order returning the child to the parent or
30 parents. The court shall retain jurisdiction over a child
31 returned to the parent or parents ~~or legal guardians~~ for a

1 period of 6 months, but, at that time, based on a report of
2 the social service agency and any other relevant factors, the
3 court shall make a determination as to whether its
4 jurisdiction shall continue or be terminated.

5 (b) If grounds for dependency have not been
6 established, dismiss the petition.

7 (2) If the child is in out-of-home ~~foster~~ care custody
8 of the department and the court finds that the grounds for
9 termination of parental rights have been established by clear
10 and convincing evidence, the court shall, by order, place the
11 child in the custody of the department for the purpose of
12 adoption or place the child in the custody of a licensed
13 child-placing agency for the purpose of adoption.

14 (3) If the child is in the custody of one parent and
15 the court finds that the grounds for termination of parental
16 rights have been established for the remaining parent by clear
17 and convincing evidence, the court shall enter an order
18 terminating the rights of the parent for whom the grounds have
19 been established and placing the child in the custody of the
20 remaining parent, granting that parent sole parental
21 responsibility for the child.

22 (4) If the child is neither in the custody of the
23 department ~~of Children and Family Services~~ nor in the custody
24 of a parent and the court finds that the grounds for
25 termination of parental rights have been established for
26 either or both parents, the court shall enter an order
27 terminating parental rights for the parent or parents for whom
28 the grounds for termination have been established and placing
29 the child with an appropriate custodian. If the parental
30 rights of both parents have been terminated, or if the
31 parental rights of only one parent have been terminated and

1 the court makes specific findings based on evidence presented
2 that placement with the remaining parent is likely to be
3 harmful to the child, the court may order that the child be
4 placed with a custodian other than the department after
5 hearing evidence of the suitability of such intended
6 placement. Suitability of the intended placement includes the
7 fitness and capabilities of the proposed ~~intended placement,~~
8 ~~with primary consideration being given to the welfare of the~~
9 ~~child; the fitness and capabilities of the proposed~~ custodian
10 to function as the primary caregiver ~~caretaker~~ for a
11 particular child; and the compatibility of the child with the
12 home in which the child is intended to be placed. If the
13 court orders that a child be placed with a custodian under
14 this subsection, the court shall appoint such custodian as the
15 guardian for the child as provided in s. 744.3021. The court
16 may modify the order placing the child in the custody of the
17 custodian and revoke the guardianship established under s.
18 744.3021 if the court subsequently finds that a party to the
19 proceeding other than a parent whose rights have been
20 terminated has shown a material change in circumstances which
21 causes the placement to be no longer in the best interest of
22 the child.

23 (5) If the court terminates parental rights, the court
24 shall enter a written order of disposition briefly stating the
25 facts upon which its decision to terminate the parental rights
26 is made. An order of termination of parental rights, whether
27 based on parental consent or after notice served as prescribed
28 in this part, permanently deprives the parents ~~or legal~~
29 guardian of any right to the child.

30
31

1 (6) The parental rights of one parent may be severed
2 without severing the parental rights of the other parent only
3 under the following circumstances:

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

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

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

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

11 (e) If the parent whose rights are being terminated
12 meets the criteria specified in s. 39.806(1)(d)~~39.464(1)(d)~~.

13 (7)(a) The termination of parental rights does not
14 affect the rights of grandparents unless the court finds that
15 continued visitation is not in the best interests of the child
16 or that such visitation would interfere with the goals of
17 permanency planning for the child.

18 (b) If the court terminates parental rights, it may
19 order that the parents or relatives of the parent whose rights
20 are terminated be allowed to maintain some contact with the
21 child pending adoption if the best interests of the child
22 support this continued contact, except as provided in
23 paragraph (a). If the court orders such continued contact, the
24 nature and frequency of the contact must be set forth in
25 written order and may be reviewed upon motion of any party,
26 including a prospective adoptive parent if a child has been
27 placed for adoption. If a child is placed for adoption, the
28 nature and frequency of the contact must be reviewed by the
29 court at the time the child is adopted.

30 (8) If the court terminates parental rights, it shall,
31 in its order of disposition, provide for a hearing, to be

1 scheduled no later than 30 days after the date of disposition,
2 in which the department or the licensed child-placing agency
3 shall provide to the court a plan for permanency for the
4 child. Reasonable efforts must be made to place the child in a
5 timely manner in accordance with the permanency plan, and to
6 complete whatever steps are necessary to finalize the
7 permanent placement of the child. Thereafter, until the
8 adoption of the child is finalized or the child reaches the
9 age of 18 years, whichever occurs first, the court shall hold
10 hearings at 6-month intervals to review the progress being
11 made toward permanency for the child.

12 (9) After termination of parental rights, the court
13 shall retain jurisdiction over any child for whom custody is
14 given to a social service agency until the child is adopted.
15 The court shall review the status of the child's placement and
16 the progress being made toward permanent adoptive placement.
17 As part of this continuing jurisdiction, for good cause shown
18 by the guardian ad litem for the child, the court may review
19 the appropriateness of the adoptive placement of the child.

20 Section 75. Section 39.47, Florida Statutes, is
21 renumbered as section 39.812, Florida Statutes, and amended to
22 read:

23 39.812 ~~39.47~~ Post disposition relief.--

24 (1) A licensed child-placing agency or the department
25 which is given custody of a child for subsequent adoption in
26 accordance with this chapter may place the child in a family
27 home for prospective subsequent adoption and the licensed
28 child-placing agency may thereafter become a party to any
29 proceeding for the legal adoption of the child and appear in
30 any court where the adoption proceeding is pending and consent

31

1 to the adoption; and that consent alone shall in all cases be
2 sufficient.

3 (2) In any subsequent adoption proceeding, the parents
4 ~~and legal guardian~~ shall not be entitled to any notice
5 thereof, nor shall they be entitled to knowledge at any time
6 after the order terminating parental rights is entered of the
7 whereabouts of the child or of the identity or location of any
8 person having the custody of or having adopted the child,
9 except as provided by order of the court pursuant to this
10 chapter or chapter 63; and in any habeas corpus or other
11 proceeding involving the child brought by any parent ~~or legal~~
12 ~~guardian~~ of the child, no agent or contract provider of the
13 licensed child-placing agency or department shall be compelled
14 to divulge that information, but may be compelled to produce
15 the child before a court of competent jurisdiction if the
16 child is still subject to the guardianship of the licensed
17 child-placing agency or department.

18 (3) The entry of the custody order to the department
19 or licensed child-placing agency shall not entitle the
20 licensed child-placing agency or department to guardianship of
21 the estate or property of the child, but the licensed
22 child-placing agency or department shall be the guardian of
23 the person of the child.

24 (4) The court shall retain jurisdiction over any child
25 for whom custody is given to a licensed child-placing agency
26 or to the department until the child is adopted. After custody
27 of a child for subsequent adoption has been given to an agency
28 or the department, the court has jurisdiction for the purpose
29 of reviewing the status of the child and the progress being
30 made toward permanent adoptive placement. As part of this
31 continuing jurisdiction, for good cause shown by the guardian

1 ad litem for the child, the court may review the
2 appropriateness of the adoptive placement of the child.

3 ~~(5) The Legislature finds that children are most~~
4 ~~likely to realize their potential when they have the ability~~
5 ~~provided by good permanent families rather than spending long~~
6 ~~periods of time in temporary placements or unnecessary~~
7 ~~institutions. It is the intent of the Legislature that~~
8 ~~decisions be consistent with the child's best interests and~~
9 ~~that the department make proper adoptive placements as~~
10 ~~expeditiously as possible following a final judgment~~
11 ~~terminating parental rights.~~

12 Section 76. Section 39.813, Florida Statutes, is
13 created to read:

14 39.813 Continuing jurisdiction.--The court which
15 terminates the parental rights of a child who is the subject
16 of termination proceedings pursuant to this chapter shall
17 retain exclusive jurisdiction in all matters pertaining to the
18 child's adoption pursuant to chapter 63.

19 Section 77. Section 39.471, Florida Statutes, is
20 renumbered as section 39.814, Florida Statutes.

21 Section 78. Section 39.473, Florida Statutes, is
22 renumbered as section 39.815, Florida Statutes, and subsection
23 (1) of said section is amended to read:

24 39.815 39.473 Appeal.--

25 (1) Any child, any parent ~~or~~ guardian ad litem, ~~or~~
26 ~~legal custodian~~ of any child, any other party to the
27 proceeding who is affected by an order of the court, or the
28 department may appeal to the appropriate district court of
29 appeal within the time and in the manner prescribed by the
30 Florida Rules of Appellate Procedure. The district court of
31 appeal shall give an appeal from an order terminating parental

1 rights priority in docketing and shall render a decision on
2 the appeal as expeditiously as possible. Appointed counsel
3 shall be compensated as provided in s. 39.0134 ~~39.474~~.

4 Section 79. Section 39.816, Florida Statutes, is
5 created to read:

6 39.816 Authorization for pilot and demonstration
7 projects.--

8 (1) Contingent upon receipt of a federal grant or
9 contract pursuant to s. 473A(i) of the Social Security Act, 42
10 U.S.C. 673A(i), enacted November 19, 1997, the department is
11 authorized to establish one or more pilot projects for the
12 following purposes:

13 (a) The development of best practice guidelines for
14 expediting termination of parental rights.

15 (b) The development of models to encourage the use of
16 concurrent planning.

17 (c) The development of specialized units and expertise
18 in moving children toward adoption as a permanency goal.

19 (d) The development of risk-assessment tools to
20 facilitate early identification of the children who will be at
21 risk of harm if returned home.

22 (e) The development of models to encourage the
23 fast-tracking of children who have not attained 1 year of age,
24 into preadoptive placements.

25 (f) The development of programs that place children
26 into preadoptive families without waiting for termination of
27 parental rights.

28 (2) Contingent upon receipt of federal authorization
29 and funding pursuant to s. 1130(a) of the Social Security Act,
30 42 U.S.C. 1320a-9, enacted November 19, 1997, the department
31

1 is authorized to establish one or more demonstration projects
2 for the following purposes:

3 (a) Identifying and addressing barriers that result in
4 delays to adoptive placements for children in out-of-home
5 care.

6 (b) Identifying and addressing parental substance
7 abuse problems that endanger children and result in the
8 placement of children in out-of-home care. This purpose may be
9 accomplished through the placement of children with their
10 parents in residential treatment facilities, including
11 residential treatment facilities for post-partum depression,
12 that are specifically designed to serve parents and children
13 together, in order to promote family reunification, and that
14 can ensure the health and safety of the children.

15 (c) Addressing kinship care.

16 Section 80. Part X of chapter 39, Florida Statutes,
17 consisting of sections 39.901, 39.902, 39.903, 39.904, 39.905,
18 39.906, and 39.908, Florida Statutes, shall be entitled to
19 read:

20 PART X

21 DOMESTIC VIOLENCE

22 Section 81. Section 415.601, Florida Statutes, is
23 renumbered as section 39.901, Florida Statutes.

24 Section 82. Section 415.602, Florida Statutes, is
25 renumbered as section 39.902, Florida Statutes, and amended to
26 read:

27 39.902 ~~415.602~~ Definitions of terms used in ss.
28 ~~415.601-415.608.~~ --As used in this part ss. 415.601-415.608,
29 the term:

30 ~~(1) "Department" means the Department of Children and~~
31 ~~Family Services.~~

1 ~~(2)~~ "District" means a service district of the
2 department as created in s. 20.19.

3 (1)~~(3)~~ "Domestic violence" means any assault, battery,
4 sexual assault, sexual battery, or any criminal offense
5 resulting in physical injury or death of one family or
6 household member by another who is or was residing in the same
7 single dwelling unit.

8 (2)~~(4)~~ "Domestic violence center" means an agency that
9 provides services to victims of domestic violence, as its
10 primary mission.

11 (3)~~(5)~~ "Family or household member" means spouses,
12 former spouses, adults related by blood or marriage, persons
13 who are presently residing together as if a family or who have
14 resided together in the past as if a family, and persons who
15 have a child in common regardless of whether they have been
16 married or have resided together at any time.

17 Section 83. Section 415.603, Florida Statutes, is
18 renumbered as section 39.903, Florida Statutes, and subsection
19 (1) of said section is amended to read:

20 39.903 ~~415.603~~ Duties and functions of the department
21 with respect to domestic violence.--

22 (1) The department shall:

23 (a) Develop by rule criteria for the approval or
24 rejection of certification or funding of domestic violence
25 centers.

26 (b) Develop by rule minimum standards for domestic
27 violence centers to ensure the health and safety of the
28 clients in the centers.

29 (c) Receive and approve or reject applications for
30 certification of domestic violence centers, and receive and
31 approve or reject applications for funding of domestic

1 violence centers. When approving funding for a newly certified
2 domestic violence center, the department shall make every
3 effort to minimize any adverse economic impact on existing
4 certified centers or services provided within the same
5 district. In order to minimize duplication of services, the
6 department shall make every effort to encourage subcontracting
7 relationships with existing centers within the district. If
8 any of the required services are exempted by the department
9 under s. 39.905(1)(c)~~415.605(1)(c)~~, the center shall not
10 receive funding for those services.

11 (d) Evaluate each certified domestic violence center
12 annually to ensure compliance with the minimum standards. The
13 department has the right to enter and inspect the premises of
14 certified domestic violence centers at any reasonable hour in
15 order to effectively evaluate the state of compliance of these
16 centers with this part ~~ss. 415.601-415.608~~ and rules relating
17 to this part ~~those sections~~.

18 (e) Adopt rules to implement this part ~~ss.~~
19 ~~415.601-415.608~~.

20 (f) Promote the involvement of certified domestic
21 violence centers in the coordination, development, and
22 planning of domestic violence programming in the districts and
23 the state.

24 Section 84. Section 415.604, Florida Statutes, is
25 renumbered as section 39.904, Florida Statutes, and amended to
26 read:

27 39.904 ~~415.604~~ Report to the Legislature on the status
28 of domestic violence cases.--On or before January 1 of each
29 year, the department ~~of Children and Family Services~~ shall
30 furnish to the President of the Senate and the Speaker of the
31 House of Representatives a report on the status of domestic

1 violence in this state, which report shall include, but is not
2 limited to, the following:

3 (1) The incidence of domestic violence in this state.

4 (2) An identification of the areas of the state where
5 domestic violence is of significant proportions, indicating
6 the number of cases of domestic violence officially reported,
7 as well as an assessment of the degree of unreported cases of
8 domestic violence.

9 (3) An identification and description of the types of
10 programs in the state that assist victims of domestic violence
11 or persons who commit domestic violence, including information
12 on funding for the programs.

13 (4) The number of persons who are treated by or
14 assisted by local domestic violence programs that receive
15 funding through the department.

16 (5) A statement on the effectiveness of such programs
17 in preventing future domestic violence.

18 (6) An inventory and evaluation of existing prevention
19 programs.

20 (7) A listing of potential prevention efforts
21 identified by the department; the estimated annual cost of
22 providing such prevention services, both for a single client
23 and for the anticipated target population as a whole; an
24 identification of potential sources of funding; and the
25 projected benefits of providing such services.

26 Section 85. Section 415.605, Florida Statutes, is
27 renumbered as section 39.905, Florida Statutes, and
28 subsections (1) and (2) and paragraph (a) of subsection (6) of
29 said section are amended, to read:

30 39.905 ~~415.605~~ Domestic violence centers.--

31

1 (1) Domestic violence centers certified under this
2 part ~~ss. 415.601-415.608~~ must:

3 (a) Provide a facility which will serve as a center to
4 receive and house persons who are victims of domestic
5 violence. For the purpose of this part ~~ss. 415.601-415.608~~,
6 minor children and other dependents of a victim, when such
7 dependents are partly or wholly dependent on the victim for
8 support or services, may be sheltered with the victim in a
9 domestic violence center.

10 (b) Receive the annual written endorsement of local
11 law enforcement agencies.

12 (c) Provide minimum services which include, but are
13 not limited to, information and referral services, counseling
14 and case management services, temporary emergency shelter for
15 more than 24 hours, a 24-hour hotline, training for law
16 enforcement personnel, assessment and appropriate referral of
17 resident children, and educational services for community
18 awareness relative to the incidence of domestic violence, the
19 prevention of such violence, and the care, treatment, and
20 rehabilitation for persons engaged in or subject to domestic
21 violence. If a 24-hour hotline, professional training, or
22 community education is already provided by a certified
23 domestic violence center within a district, the department may
24 exempt such certification requirements for a new center
25 serving the same district in order to avoid duplication of
26 services.

27 (d) Participate in the provision of orientation and
28 training programs developed for law enforcement officers,
29 social workers, and other professionals and paraprofessionals
30 who work with domestic violence victims to better enable such
31

1 persons to deal effectively with incidents of domestic
2 violence.

3 (e) Establish and maintain a board of directors
4 composed of at least three citizens, one of whom must be a
5 member of a local, municipal, or county law enforcement
6 agency.

7 (f) Comply with rules adopted pursuant to this part
8 ~~ss. 415.601-415.608~~.

9 (g) File with the department a list of the names of
10 the domestic violence advocates who are employed or who
11 volunteer at the domestic violence center who may claim a
12 privilege under s. 90.5036 to refuse to disclose a
13 confidential communication between a victim of domestic
14 violence and the advocate regarding the domestic violence
15 inflicted upon the victim. The list must include the title of
16 the position held by the advocate whose name is listed and a
17 description of the duties of that position. A domestic
18 violence center must file amendments to this list as
19 necessary.

20 (h) Demonstrate local need and ability to sustain
21 operations through a history of 18 consecutive months'
22 operation as a domestic violence center, including 12 months'
23 operation of an emergency shelter as provided in paragraph (c)
24 ~~defined in paragraph (1)(a)~~, and a business plan which
25 addresses future operations and funding of future operations.

26 (i) If its center is a new center applying for
27 certification, demonstrate that the services provided address
28 a need identified in the most current statewide needs
29 assessment approved by the department.

30 (2) If the department finds that there is failure by a
31 center to comply with the requirements established under this

1 part ss. 415.601-415.608 or with the rules adopted pursuant
2 thereto, the department may deny, suspend, or revoke the
3 certification of the center.

4 (6) In order to receive state funds, a center must:

5 (a) Obtain certification pursuant to this part ss.
6 ~~415.601-415.608~~. However, the issuance of a certificate will
7 not obligate the department to provide funding.

8 Section 86. Section 415.606, Florida Statutes, is
9 renumbered as section 39.906, Florida Statutes.

10 Section 87. Section 415.608, Florida Statutes, is
11 renumbered as section 39.908, Florida Statutes.

12 Section 88. Paragraph (b) of subsection (4) of section
13 20.19, Florida Statutes, is amended to read:

14 20.19 Department of Children and Family
15 Services.--There is created a Department of Children and
16 Family Services.

17 (4) PROGRAM OFFICES.--

18 (b) The following program offices are established and
19 may be consolidated, restructured, or rearranged by the
20 secretary; provided any such consolidation, restructuring, or
21 rearranging is for the purpose of encouraging service
22 integration through more effective and efficient performance
23 of the program offices or parts thereof:

24 1. Economic Self-Sufficiency Program Office.--The
25 responsibilities of this office encompass income support
26 programs within the department, such as temporary assistance
27 to families with dependent children, food stamps, welfare
28 reform, and state supplementation of the supplemental security
29 income (SSI) program.

30 2. Developmental Services Program Office.--The
31 responsibilities of this office encompass programs operated by

1 the department for developmentally disabled persons.
2 Developmental disabilities include any disability defined in
3 s. 393.063.

4 3. Children and Families Program Office.--The
5 responsibilities of this program office encompass early
6 intervention services for children and families at risk;
7 intake services for protective investigation of abandoned,
8 abused, and neglected children; interstate compact on the
9 placement of children programs; adoption; child care;
10 out-of-home care programs and other specialized services to
11 families; and child protection and sexual abuse treatment
12 teams created under chapter 39 ~~415~~, excluding medical
13 direction functions.

14 4. Alcohol, Drug Abuse, and Mental Health Program
15 Office.--The responsibilities of this office encompass all
16 alcohol, drug abuse, and mental health programs operated by
17 the department.

18 Section 89. Paragraph (h) of subsection (1) of section
19 20.43, Florida Statutes, is amended to read:

20 20.43 Department of Health.--There is created a
21 Department of Health.

22 (1) The purpose of the Department of Health is to
23 promote and protect the health of all residents and visitors
24 in the state through organized state and community efforts,
25 including cooperative agreements with counties. The
26 department shall:

27 (h) Provide medical direction for child protection
28 team and sexual abuse treatment functions created under
29 chapter 39 ~~415~~.

30 Section 90. Paragraph (b)2. of subsection (2) of
31 section 61.13, Florida Statutes, is amended to read:

1 61.13 Custody and support of children; visitation
2 rights; power of court in making orders.--

3 (2)

4 (b)

5 2. The court shall order that the parental
6 responsibility for a minor child be shared by both parents
7 unless the court finds that shared parental responsibility
8 would be detrimental to the child. Evidence that a parent has
9 been convicted of a felony of the third degree or higher
10 involving domestic violence, as defined in s. 741.28 and
11 chapter 775, or meets the criteria of s. 39.806(1)(d)
12 ~~39.464(1)(d)~~, creates a rebuttable presumption of detriment to
13 the child. If the presumption is not rebutted, shared parental
14 responsibility, including visitation, residence of the child,
15 and decisions made regarding the child, may not be granted to
16 the convicted parent. However, the convicted parent is not
17 relieved of any obligation to provide financial support. If
18 the court determines that shared parental responsibility would
19 be detrimental to the child, it may order sole parental
20 responsibility and make such arrangements for visitation as
21 will best protect the child or abused spouse from further
22 harm. Whether or not there is a conviction of any offense of
23 domestic violence or child abuse or the existence of an
24 injunction for protection against domestic violence, the court
25 shall consider evidence of domestic violence or child abuse as
26 evidence of detriment to the child.

27 a. In ordering shared parental responsibility, the
28 court may consider the expressed desires of the parents and
29 may grant to one party the ultimate responsibility over
30 specific aspects of the child's welfare or may divide those
31 responsibilities between the parties based on the best

1 interests of the child. Areas of responsibility may include
2 primary residence, education, medical and dental care, and any
3 other responsibilities that the court finds unique to a
4 particular family.

5 b. The court shall order "sole parental
6 responsibility, with or without visitation rights, to the
7 other parent when it is in the best interests of" the minor
8 child.

9 c. The court may award the grandparents visitation
10 rights with a minor child if it is in the child's best
11 interest. Grandparents have legal standing to seek judicial
12 enforcement of such an award. This section does not require
13 that grandparents be made parties or given notice of
14 dissolution pleadings or proceedings, nor do grandparents have
15 legal standing as "contestants" as defined in s. 61.1306. A
16 court may not order that a child be kept within the state or
17 jurisdiction of the court solely for the purpose of permitting
18 visitation by the grandparents.

19 Section 91. Section 61.401, Florida Statutes, is
20 amended to read:

21 61.401 Appointment of guardian ad litem.--In an action
22 for dissolution of marriage, modification, parental
23 responsibility, custody, or visitation, if the court finds it
24 is in the best interest of the child, the court may appoint a
25 guardian ad litem to act as next friend of the child,
26 investigator or evaluator, not as attorney or advocate. The
27 court in its discretion may also appoint legal counsel for a
28 child to act as attorney or advocate; however, the guardian
29 and the legal counsel shall not be the same person. In such
30 actions which involve an allegation of child abuse,
31 abandonment, or neglect as defined in s. 39.01 ~~415.503(3)~~,

1 which allegation is verified and determined by the court to be
2 well-founded, the court shall appoint a guardian ad litem for
3 the child. The guardian ad litem shall be a party to any
4 judicial proceeding from the date of the appointment until the
5 date of discharge.

6 Section 92. Subsection (4) of section 63.052, Florida
7 Statutes, is amended to read:

8 63.052 Guardians designated; proof of commitment.--

9 (4) If a child is voluntarily surrendered to an
10 intermediary for subsequent adoption and the adoption does not
11 become final within 180 days, the intermediary must report to
12 the court on the status of the child and the court may at that
13 time proceed under s. 39.701 ~~39.453~~ or take action reasonably
14 necessary to protect the best interest of the child.

15 Section 93. Paragraph (b) of subsection (2) of section
16 63.092, Florida Statutes, is amended to read:

17 63.092 Report to the court of intended placement by an
18 intermediary; preliminary study.--

19 (2) PRELIMINARY HOME STUDY.--Before placing the minor
20 in the intended adoptive home, a preliminary home study must
21 be performed by a licensed child-placing agency, a licensed
22 professional, or agency described in s. 61.20(2), unless the
23 petitioner is a stepparent, a spouse of the birth parent, or a
24 relative. The preliminary study shall be completed within 30
25 days after the receipt by the court of the intermediary's
26 report, but in no event may the child be placed in the
27 prospective adoptive home prior to the completion of the
28 preliminary study unless ordered by the court. If the
29 petitioner is a stepparent, a spouse of the birth parent, or a
30 relative, the preliminary home study may be required by the
31 court for good cause shown. The department is required to

1 perform the preliminary home study only if there is no
2 licensed child-placing agency, licensed professional, or
3 agency described in s. 61.20(2), in the county where the
4 prospective adoptive parents reside. The preliminary home
5 study must be made to determine the suitability of the
6 intended adoptive parents and may be completed prior to
7 identification of a prospective adoptive child. A favorable
8 preliminary home study is valid for 1 year after the date of
9 its completion. A child must not be placed in an intended
10 adoptive home before a favorable preliminary home study is
11 completed unless the adoptive home is also a licensed foster
12 home under s. 409.175. The preliminary home study must
13 include, at a minimum:

14 (b) Records checks of the department's central abuse
15 registry ~~under chapter 415~~ and statewide criminal records
16 correspondence checks through the Department of Law
17 Enforcement on the intended adoptive parents;

18
19 If the preliminary home study is favorable, a minor may be
20 placed in the home pending entry of the judgment of adoption.
21 A minor may not be placed in the home if the preliminary home
22 study is unfavorable. If the preliminary home study is
23 unfavorable, the intermediary or petitioner may, within 20
24 days after receipt of a copy of the written recommendation,
25 petition the court to determine the suitability of the
26 intended adoptive home. A determination as to suitability
27 under this subsection does not act as a presumption of
28 suitability at the final hearing. In determining the
29 suitability of the intended adoptive home, the court must
30 consider the totality of the circumstances in the home.

31

1 Section 94. Subsection (2) of section 90.5036, Florida
2 Statutes, is amended to read:

3 90.5036 Domestic violence advocate-victim privilege.--

4 (2) A victim has a privilege to refuse to disclose,
5 and to prevent any other person from disclosing, a
6 confidential communication made by the victim to a domestic
7 violence advocate or any record made in the course of
8 advising, counseling, or assisting the victim. The privilege
9 applies to confidential communications made between the victim
10 and the domestic violence advocate and to records of those
11 communications only if the advocate is registered under s.
12 39.905 ~~415.605~~ at the time the communication is made. This
13 privilege includes any advice given by the domestic violence
14 advocate in the course of that relationship.

15 Section 95. Paragraphs (a), (b), (c), and (d) of
16 subsection (7) of section 119.07, Florida Statutes, are
17 amended to read:

18 119.07 Inspection, examination, and duplication of
19 records; exemptions.--

20 (7)(a) Any person or organization, including the
21 Department of Children and Family ~~Health and Rehabilitative~~
22 Services, may petition the court for an order making public
23 the records of the Department of Children and Family ~~Health~~
24 ~~and Rehabilitative~~ Services that pertain to investigations of
25 alleged abuse, neglect, abandonment, or exploitation of a
26 child, a disabled adult, or an elderly person. The court shall
27 determine if good cause exists for public access to the
28 records sought or a portion thereof. In making this
29 determination, the court shall balance the best interest of
30 the disabled adult, elderly person, or child who is the focus
31 of the investigation, and in the case of the child, the

1 interest of that child's siblings, together with the privacy
2 right of other persons identified in the reports against the
3 public interest. The public interest in access to such records
4 is reflected in s. 119.01(1), and includes the need for
5 citizens to know of and adequately evaluate the actions of the
6 Department of Children and Family ~~Health and Rehabilitative~~
7 Services and the court system in providing disabled adults,
8 elderly persons, and children of this state with the
9 protections enumerated in ss. 39.001 and 415.101 and ~~415.502~~.
10 However, nothing in this subsection shall contravene the
11 provisions of ss. 39.202 ~~415.51~~ and 415.107, which protect the
12 name of any person reporting the abuse, neglect, abandonment,
13 or exploitation of a child, a disabled adult, or an elderly
14 person.

15 (b)1. In cases involving the death of a disabled adult
16 or an elderly person as the result of abuse, neglect, or
17 exploitation, there shall be a presumption that the best
18 interest of the disabled adult or elderly person and the
19 public interest will be served by full public disclosure of
20 the circumstances of the investigation of the death and any
21 other investigation concerning the disabled adult or elderly
22 person.

23 2. In cases involving the death of a child as the
24 result of abuse, neglect, or abandonment, there shall be a
25 presumption that the best interest of the child and the
26 child's siblings and the public interest will be served by
27 full public disclosure of the circumstances of the
28 investigation of the death of the child and any other
29 investigation concerning the child and the child's siblings.

30 (c) In cases involving serious bodily injury to a
31 child, a disabled adult or an elderly person, the Department

1 of Children and Family ~~Health and Rehabilitative~~ Services may
2 petition the court for an order for the immediate public
3 release of records of the department which pertain to the
4 investigation of abuse, neglect, abandonment, or exploitation
5 of the child, disabled adult, or elderly person who suffered
6 serious bodily injury. The petition must be personally served
7 upon the child, disabled adult, or elderly person, the child's
8 parents or guardian, the legal guardian of that person, if
9 any, and any person named as an alleged perpetrator in the
10 report of abuse, neglect, abandonment, or exploitation. The
11 court must determine if good cause exists for the public
12 release of the records sought no later than 24 hours,
13 excluding Saturdays, Sundays, and legal holidays, from the
14 date the department filed the petition with the court. If the
15 court has neither granted nor denied the petition within the
16 24-hour time period, the department may release to the public
17 summary information including:

- 18 1. A confirmation that an investigation has been
- 19 conducted concerning the alleged victim.
- 20 2. The dates and brief description of procedural
- 21 activities undertaken during the department's investigation.
- 22 3. The date of each judicial proceeding, a summary of
- 23 each participant's recommendations made at the judicial
- 24 proceedings, and the rulings of the court.

25
26 The summary information may not include the name of, or other
27 identifying information with respect to, any person identified
28 in any investigation. In making a determination to release
29 confidential information, the court shall balance the best
30 interests of the disabled adult or elderly person or child who
31 is the focus of the investigation and, in the case of the

1 child, the interests of that child's siblings, together with
2 the privacy rights of other persons identified in the reports
3 against the public interest for access to public records.
4 However, nothing in this paragraph shall contravene the
5 provisions of ss. 39.202 ~~415.51~~ and 415.107, which protect the
6 name of any person reporting abuse, neglect, abandonment, or
7 exploitation of a child, a disabled adult, or an elderly
8 person.

9 (d) In cases involving the death of a child or a
10 disabled adult or an elderly person, the Department of
11 Children and Family ~~Health and Rehabilitative~~ Services may
12 petition the court for an order for the immediate public
13 release of records of the department which pertain to the
14 investigation of abuse, neglect, abandonment, or exploitation
15 of the child, disabled adult, or elderly person who died. The
16 department must personally serve the petition upon the child's
17 parents or guardian, the legal guardian of the disabled adult
18 or elderly person, if any, and any person named as an alleged
19 perpetrator in the report of abuse, neglect, abandonment, or
20 exploitation. The court must determine if good cause exists
21 for the public release of the records sought no later than 24
22 hours, excluding Saturdays, Sundays, and legal holidays, from
23 the date the department filed the petition with the court. If
24 the court has neither granted nor denied the petition within
25 the 24-hour time period, the department may release to the
26 public summary information including:

- 27 1. A confirmation that an investigation has been
- 28 conducted concerning the alleged victim.
- 29 2. The dates and brief description of procedural
- 30 activities undertaken during the department's investigation.

31

1 3. The date of each judicial proceeding, a summary of
2 each participant's recommendations made at the judicial
3 proceedings, and the ruling of the court.

4
5 In making a determination to release confidential information,
6 the court shall balance the best interests of the disabled
7 adult or elderly person or child who is the focus of the
8 investigation and, in the case of the child, the interest of
9 that child's siblings, together with the privacy right of
10 other persons identified in the reports against the public
11 interest. However, nothing in this paragraph shall contravene
12 the provisions of ss. 39.202 ~~415.51~~ and 415.107, which protect
13 the name of any person reporting abuse, neglect, abandonment,
14 or exploitation of a child, a disabled adult, or an elderly
15 person.

16 Section 96. Section 154.067, Florida Statutes, is
17 amended to read:

18 154.067 Child abuse and neglect cases; duties.--The
19 Department of Health shall adopt a rule requiring every county
20 health department, as described in s. 154.01, to adopt a
21 protocol that, at a minimum, requires the county health
22 department to:

23 (1) Incorporate in its health department policy a
24 policy that every staff member has an affirmative duty to
25 report, pursuant to chapter 39 ~~415~~, any actual or suspected
26 case of child abuse, abandonment, or neglect; and

27 (2) In any case involving suspected child abuse,
28 abandonment, or neglect, designate, at the request of the
29 department, a staff physician to act as a liaison between the
30 county health department and the Department of Children and
31 Family Services office that is investigating the suspected

1 abuse, abandonment, or neglect, and the child protection team,
2 as defined in s. 39.01 ~~415.503~~, when the case is referred to
3 such a team.

4 Section 97. Subsection (15) of section 213.053,
5 Florida Statutes, is amended to read:

6 213.053 Confidentiality and information sharing.--

7 (15) The department may disclose confidential taxpayer
8 information contained in returns, reports, accounts, or
9 declarations filed with the department by persons subject to
10 any state or local tax to the child support enforcement
11 program, to assist in the location of parents who owe or
12 potentially owe a duty of support pursuant to Title IV-D of
13 the Social Security Act, their assets, their income, and their
14 employer, and to the Department of Children and Family
15 Services for the purpose of diligent search activities
16 pursuant to chapter 39. Nothing in this subsection authorizes
17 the disclosure of information if such disclosure is prohibited
18 by federal law. Employees of the child support enforcement
19 program and of the Department of Children and Family Services
20 are bound by the same requirements of confidentiality and the
21 same penalties for violation of the requirements as the
22 department.

23 Section 98. Paragraph (a) of subsection (8) of section
24 216.136, Florida Statutes, is amended to read:

25 216.136 Consensus estimating conferences; duties and
26 principals.--

27 (8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

28 (a) Duties.--The Child Welfare System Estimating
29 Conference shall develop the following information relating to
30 the child welfare system:
31

1 1. Estimates and projections of the number of initial
2 and additional reports of child abuse, abandonment, or neglect
3 made to the central abuse ~~hotline registry and tracking system~~
4 maintained by the Department of Children and Family Health and
5 ~~Rehabilitative~~ Services as established in s. 39.201(4)
6 ~~415.504(4)(a)~~.

7 2. Estimates and projections of the number of children
8 who are alleged to be victims of child abuse, abandonment, or
9 neglect and are in need of placement in a ~~an emergency~~
10 shelter.

11
12 In addition, the conference shall develop other official
13 information relating to the child welfare system of the state
14 which the conference determines is needed for the state
15 planning and budgeting system. The Department of Children and
16 ~~Family Health and Rehabilitative~~ Services shall provide
17 information on the child welfare system requested by the Child
18 Welfare System Estimating Conference, or individual conference
19 principals, in a timely manner.

20 Section 99. Section 232.50, Florida Statutes, is
21 amended to read:

22 232.50 Child abuse, abandonment, and neglect
23 policy.--Every school board shall by March 1, 1985:

24 (1) Post in a prominent place in each school a notice
25 that, pursuant to chapter 39 ~~415~~, all employees or agents of
26 the district school board have an affirmative duty to report
27 all actual or suspected cases of child abuse, abandonment, or
28 neglect, have immunity from liability if they report such
29 cases in good faith, and have a duty to comply with child
30 protective investigations and all other provisions of law
31 relating to child abuse, abandonment, and neglect. The notice

1 shall also include the statewide toll-free telephone number of
2 the state abuse registry.

3 (2) Provide that the superintendent, or the
4 superintendent's designee, at the request of the Department of
5 Children and Family ~~Health and Rehabilitative~~ Services, will
6 act as a liaison to the Department of Children and Family
7 ~~Health and Rehabilitative~~ Services and the child protection
8 team, as defined in s. 39.01 ~~415.503~~, when in a case of
9 suspected child abuse, abandonment, or neglect or an unlawful
10 sexual offense involving a child the case is referred to such
11 a team; except that this subsection may in no instance be
12 construed as relieving or restricting the Department of
13 Children and Family ~~Health and Rehabilitative~~ Services from
14 discharging its duty and responsibility under the law to
15 investigate and report every suspected or actual case of child
16 abuse, abandonment, or neglect or unlawful sexual offense
17 involving a child.

18
19 Each district school board shall comply with the provisions of
20 this section, and such board shall notify the Department of
21 Education and the Department of Children and Family ~~Health and~~
22 ~~Rehabilitative~~ Services of its compliance by March 1, 1985.

23 Section 100. Paragraph (a) of subsection (2) of
24 section 318.21, Florida Statutes, as amended by section 2(1)
25 of chapter 97-235, Laws of Florida, is amended to read:

26 318.21 Disposition of civil penalties by county
27 courts.--All civil penalties received by a county court
28 pursuant to the provisions of this chapter shall be
29 distributed and paid monthly as follows:

30 (2) Of the remainder:

31

1 (a) Fifteen and six-tenths percent shall be paid to
2 the General Revenue Fund of the state, except that the first
3 \$300,000 shall be deposited into the Grants and Donations
4 Trust Fund in the Department of Children and Family Services
5 for administrative costs, training costs, and costs associated
6 with the implementation and maintenance of Florida foster care
7 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

8 Section 101. Effective July 1, 1999, paragraph (a) of
9 subsection (2) of section 318.21, as amended by section 3(1)
10 of chapter 97-235, Laws of Florida, is amended to read:

11 318.21 Disposition of civil penalties by county
12 courts.--All civil penalties received by a county court
13 pursuant to the provisions of this chapter shall be
14 distributed and paid monthly as follows:

15 (2) Of the remainder:

16 (a) Ten and six-tenths percent shall be paid to the
17 General Revenue Fund of the state, except that the first
18 \$300,000 shall be deposited into the Grants and Donations
19 Trust Fund in the Department of Children and Family Services
20 for administrative costs, training costs, and costs associated
21 with the implementation and maintenance of Florida foster care
22 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

23 Section 102. Effective July 1, 2000, paragraph (a) of
24 subsection (2) of section 318.21, Florida Statutes, as amended
25 by section 4(1) of chapter 97-235, Laws of Florida, is amended
26 to read:

27 318.21 Disposition of civil penalties by county
28 courts.--All civil penalties received by a county court
29 pursuant to the provisions of this chapter shall be
30 distributed and paid monthly as follows:

31 (2) Of the remainder:

1 (a) Five and six-tenths percent shall be paid to the
2 General Revenue Fund of the state, except that the first
3 \$300,000 shall be deposited into the Grants and Donations
4 Trust Fund in the Department of Children and Family Services
5 for administrative costs, training costs, and costs associated
6 with the implementation and maintenance of Florida foster care
7 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

8 Section 103. Effective July 1, 2001, paragraph (a) of
9 subsection (2) of section 318.21, Florida Statutes, as amended
10 by section 5(1) of chapter 97-235, Laws of Florida, is amended
11 to read:

12 318.21 Disposition of civil penalties by county
13 courts.--All civil penalties received by a county court
14 pursuant to the provisions of this chapter shall be
15 distributed and paid monthly as follows:

16 (2) Of the remainder:

17 (a) Twenty and six-tenths percent shall be paid to the
18 County Article V Trust Fund, except that the first \$300,000
19 shall be deposited into the Grants and Donations Trust Fund in
20 the Department of Children and Family Services for
21 administrative costs, training costs, and costs associated
22 with the implementation and maintenance of Florida foster care
23 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

24 Section 104. Effective July 1, 2002, paragraph (a) of
25 subsection (2) of section 318.21, Florida Statutes, as amended
26 by section 6 of chapter 97-235, Laws of Florida, is amended to
27 read:

28 318.21 Disposition of civil penalties by county
29 courts.--All civil penalties received by a county court
30 pursuant to the provisions of this chapter shall be
31 distributed and paid monthly as follows:

1 (2) Of the remainder:

2 (a) Twenty and six-tenths percent shall be paid to the
3 General Revenue Fund of the state, except that the first
4 \$300,000 shall be deposited into the Grants and Donations
5 Trust Fund in the Department of Children and Family Services
6 for administrative costs, training costs, and costs associated
7 with the implementation and maintenance of Florida foster care
8 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

9 Section 105. Paragraph (e) of subsection (1) of
10 section 384.29, Florida Statutes, is amended to read:

11 384.29 Confidentiality.--

12 (1) All information and records held by the department
13 or its authorized representatives relating to known or
14 suspected cases of sexually transmissible diseases are
15 strictly confidential and exempt from the provisions of s.
16 119.07(1). Such information shall not be released or made
17 public by the department or its authorized representatives, or
18 by a court or parties to a lawsuit upon revelation by
19 subpoena, except under the following circumstances:

20 (e) When made to the proper authorities as required by
21 chapter 39 or chapter 415.

22 Section 106. Paragraph (e) of subsection (1) of
23 section 392.65, Florida Statutes, is amended to read:

24 392.65 Confidentiality.--

25 (1) All information and records held by the department
26 or its authorized representatives relating to known or
27 suspected cases of tuberculosis or exposure to tuberculosis
28 shall be strictly confidential and exempt from s. 119.07(1).
29 Such information shall not be released or made public by the
30 department or its authorized representatives or by a court or
31

1 parties to a lawsuit, except that release may be made under
2 the following circumstances:

3 (e) When made to the proper authorities as required by
4 chapter 39 or chapter 415.

5 Section 107. The introductory paragraph of subsection
6 (14) of section 393.063, Florida Statutes, is amended to read:

7 393.063 Definitions.--For the purposes of this
8 chapter:

9 (14) "Direct service provider," also known as
10 "caregiver" in chapters 39 and ~~chapter~~ 415 or "caretaker" in
11 provisions relating to employment security checks, means a
12 person 18 years of age or older who has direct contact with
13 individuals with developmental disabilities and is unrelated
14 to the individuals with developmental disabilities.

15 Section 108. Section 395.1023, Florida Statutes, is
16 amended to read:

17 395.1023 Child abuse and neglect cases; duties.--Each
18 licensed facility shall adopt a protocol that, at a minimum,
19 requires the facility to:

20 (1) Incorporate a facility policy that every staff
21 member has an affirmative duty to report, pursuant to chapter
22 39 ~~415~~, any actual or suspected case of child abuse,
23 abandonment, or neglect; and

24 (2) In any case involving suspected child abuse,
25 abandonment, or neglect, designate, at the request of the
26 department, a staff physician to act as a liaison between the
27 hospital and the Department of Children and Family Services
28 office which is investigating the suspected abuse,
29 abandonment, or neglect, and the child protection team, as
30 defined in s. 39.01 ~~415-503~~, when the case is referred to such
31 a team.

1
2 Each general hospital and appropriate specialty hospital shall
3 comply with the provisions of this section and shall notify
4 the agency and the department of its compliance by sending a
5 copy of its policy to the agency and the department as
6 required by rule. The failure by a general hospital or
7 appropriate specialty hospital to comply shall be punished by
8 a fine not exceeding \$1,000, to be fixed, imposed, and
9 collected by the agency. Each day in violation is considered
10 a separate offense.

11 Section 109. Section 400.4174, Florida Statutes, is
12 amended to read:

13 400.4174 Reports of abuse in facilities.--When an
14 employee, volunteer, administrator, or owner of a facility has
15 a confirmed report of adult abuse, neglect, or exploitation,
16 as defined in s. 415.102, or a judicially determined report of
17 child abuse, abandonment, or neglect, as defined in s. 39.01
18 ~~415.503~~, and the protective investigator knows that the
19 individual is an employee, volunteer, administrator, or owner
20 of a facility, the agency shall be notified of the ~~confirmed~~
21 report.

22 Section 110. Paragraph (c) of subsection (2) of
23 section 400.556, Florida Statutes, is amended to read:

24 400.556 Denial, suspension, revocation of license;
25 administrative fines; investigations and inspections.--

26 (2) Each of the following actions by the owner of an
27 adult day care center or by its operator or employee is a
28 ground for action by the agency against the owner of the
29 center or its operator or employee:

30 (c) A confirmed report of adult abuse, neglect, or
31 exploitation, as defined in s. 415.102, or a report of child

1 abuse, abandonment, or neglect, as defined in s. 39.01
2 ~~415.503~~, which report has been upheld following a hearing held
3 pursuant to chapter 120 or a waiver of such hearing.

4 Section 111. Paragraph (a) of subsection (8) of
5 section 402.165, Florida Statutes, is amended to read:

6 402.165 Statewide Human Rights Advocacy Committee;
7 confidential records and meetings.--

8 (8)(a) In the performance of its duties, the Statewide
9 Human Rights Advocacy Committee shall have:

10 1. Authority to receive, investigate, seek to
11 conciliate, hold hearings on, and act on complaints which
12 allege any abuse or deprivation of constitutional or human
13 rights of clients.

14 2. Access to all client records, files, and reports
15 from any program, service, or facility that is operated,
16 funded, licensed, or regulated by the Department of Children
17 and Family Health and Rehabilitative Services and any records
18 which are material to its investigation and which are in the
19 custody of any other agency or department of government. The
20 committee's investigation or monitoring shall not impede or
21 obstruct matters under investigation by law enforcement or
22 judicial authorities. Access shall not be granted if a
23 specific procedure or prohibition for reviewing records is
24 required by federal law and regulation which supersedes state
25 law. Access shall not be granted to the records of a private
26 licensed practitioner who is providing services outside
27 agencies and facilities and whose client is competent and
28 refuses disclosure.

29 3. Standing to petition the circuit court for access
30 to client records which are confidential as specified by law.
31 The petition shall state the specific reasons for which the

1 committee is seeking access and the intended use of such
2 information. The court may authorize committee access to such
3 records upon a finding that such access is directly related to
4 an investigation regarding the possible deprivation of
5 constitutional or human rights or the abuse of a client.
6 Original client files, records, and reports shall not be
7 removed from the Department of Children and Family ~~Health and~~
8 ~~Rehabilitative~~ Services or agency facilities. Under no
9 circumstance shall the committee have access to confidential
10 adoption records in accordance with the provisions of ss.
11 39.0132 ~~39.411~~, 63.022, and 63.162. Upon completion of a
12 general investigation of practices and procedures of the
13 Department of Children and Family ~~Health and Rehabilitative~~
14 Services, the committee shall report its findings to that
15 department.

16 Section 112. Paragraph (a) of subsection (8) of
17 section 402.166, Florida Statutes, is amended to read:

18 402.166 District human rights advocacy committees;
19 confidential records and meetings.--

20 (8)(a) In the performance of its duties, a district
21 human rights advocacy committee shall have:

22 1. Access to all client records, files, and reports
23 from any program, service, or facility that is operated,
24 funded, licensed, or regulated by the Department of Children
25 and Family ~~Health and Rehabilitative~~ Services and any records
26 which are material to its investigation and which are in the
27 custody of any other agency or department of government. The
28 committee's investigation or monitoring shall not impede or
29 obstruct matters under investigation by law enforcement or
30 judicial authorities. Access shall not be granted if a
31 specific procedure or prohibition for reviewing records is

1 required by federal law and regulation which supersedes state
2 law. Access shall not be granted to the records of a private
3 licensed practitioner who is providing services outside
4 agencies and facilities and whose client is competent and
5 refuses disclosure.

6 2. Standing to petition the circuit court for access
7 to client records which are confidential as specified by law.
8 The petition shall state the specific reasons for which the
9 committee is seeking access and the intended use of such
10 information. The court may authorize committee access to such
11 records upon a finding that such access is directly related to
12 an investigation regarding the possible deprivation of
13 constitutional or human rights or the abuse of a client.
14 Original client files, records, and reports shall not be
15 removed from Department of Children and Family ~~Health and~~
16 ~~Rehabilitative~~ Services or agency facilities. Upon no
17 circumstances shall the committee have access to confidential
18 adoption records in accordance with the provisions of ss.
19 39.0132 ~~39.411~~, 63.022, and 63.162. Upon completion of a
20 general investigation of practices and procedures of the
21 Department of Children and Family ~~Health and Rehabilitative~~
22 Services, the committee shall report its findings to that
23 department.

24 Section 113. Section 409.1672, Florida Statutes, is
25 amended to read:

26 409.1672 Incentives for department employees.--In
27 order to promote accomplishing the goal of family
28 preservation, family reunification, or permanent placement of
29 a child in an adoptive home, the department may, pursuant to
30 s. 110, chapter 92-142, Laws of Florida, or subsequent
31 legislative authority and within existing resources, develop

1 monetary performance incentives such as bonuses, salary
2 increases, and educational enhancements for department
3 employees engaged in positions and activities related to the
4 child welfare system under chapter 39, ~~chapter 415~~, or this
5 chapter who demonstrate outstanding work in these areas.

6 Section 114. Subsection (8) and paragraph (c) of
7 subsection (9) of section 409.176, Florida Statutes, are
8 amended to read:

9 409.176 Registration of residential child-caring
10 agencies and family foster homes.--

11 (8) The provisions of chapters 39 ~~415~~ and 827
12 regarding child abuse, abandonment, and neglect and the
13 provisions of s. 409.175 and chapter 435 regarding screening
14 apply to any facility registered under this section.

15 (9) The qualified association may deny, suspend, or
16 revoke the registration of a Type II facility which:

17 (c) Violates the provisions of chapter 39 ~~415~~ or
18 chapter 827 regarding child abuse, abandonment, and neglect or
19 the provisions of s. 409.175 or chapter 435 regarding
20 screening.

21
22 The qualified association shall notify the department within
23 10 days of the suspension or revocation of the registration of
24 any Type II facility registered under this section.

25 Section 115. Paragraph (b) of subsection (10) of
26 section 409.2554, Florida Statutes, is amended to read:

27 409.2554 Definitions.--As used in ss.
28 409.2551-409.2598, the term:

29 (10) "Support" means:
30
31

1 (b) Support for a child who is placed under the
2 custody of someone other than the custodial parent pursuant to
3 s. 39.508 ~~39.41~~.

4 Section 116. Section 409.2577, Florida Statutes, is
5 amended to read:

6 409.2577 Parent locator service.--The department shall
7 establish a parent locator service to assist in locating
8 parents who have deserted their children and other persons
9 liable for support of dependent children. The department
10 shall use all sources of information available, including the
11 Federal Parent Locator Service, and may request and shall
12 receive information from the records of any person or the
13 state or any of its political subdivisions or any officer
14 thereof. Any agency as defined in s. 120.52, any political
15 subdivision, and any other person shall, upon request, provide
16 the department any information relating to location, salary,
17 insurance, social security, income tax, and employment history
18 necessary to locate parents who owe or potentially owe a duty
19 of support pursuant to Title IV-D of the Social Security Act.
20 This provision shall expressly take precedence over any other
21 statutory nondisclosure provision which limits the ability of
22 an agency to disclose such information, except that law
23 enforcement information as provided in s. 119.07(3)(i) is not
24 required to be disclosed, and except that confidential
25 taxpayer information possessed by the Department of Revenue
26 shall be disclosed only to the extent authorized in s.
27 213.053(15). Nothing in this section requires the disclosure
28 of information if such disclosure is prohibited by federal
29 law. Information gathered or used by the parent locator
30 service is confidential and exempt from the provisions of s.
31 119.07(1). Additionally, the department is authorized to

1 collect any additional information directly bearing on the
2 identity and whereabouts of a person owing or asserted to be
3 owing an obligation of support for a dependent child.
4 Information gathered or used by the parent locator service is
5 confidential and exempt from the provisions of s. 119.07(1).
6 The department may make such information available only to
7 public officials and agencies of this state; political
8 subdivisions of this state; the custodial parent, legal
9 guardian, attorney, or agent of the child; and other states
10 seeking to locate parents who have deserted their children and
11 other persons liable for support of dependents, for the sole
12 purpose of establishing, modifying, or enforcing their
13 liability for support, and shall make such information
14 available to the Department of Children and Family Services
15 for the purpose of diligent search activities pursuant to
16 chapter 39. If the department has reasonable evidence of
17 domestic violence or child abuse and the disclosure of
18 information could be harmful to the custodial parent or the
19 child of such parent, the child support program director or
20 designee shall notify the Department of Children and Family
21 Services and the Secretary of the United States Department of
22 Health and Human Services of this evidence. Such evidence is
23 sufficient grounds for the department to disapprove an
24 application for location services.

25 Section 117. Paragraph (a) of subsection (1) of
26 section 409.9126, Florida Statutes, is amended to read:

27 409.9126 Children with special health care needs.--

28 (1) As used in this section:

29 (a) "Children's Medical Services network" means an
30 alternative service network that includes health care

31

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 118. 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 119. Section 415.5076, Florida Statutes, is
13 created to read:

14 415.5076 Definitions of terms used in ss.
15 415.5077-415.5089.--As used in ss. 415.5077-415.5089:

16 (1) "Guardian ad litem" as referred to in any civil or
17 criminal proceeding includes the following: a certified
18 guardian ad litem program, a duly certified volunteer, a staff
19 attorney, contract attorney, or certified pro bono attorney
20 working on behalf of a guardian ad litem or the program; staff
21 members of a program office; a court-appointed attorney; or a
22 responsible adult who is appointed by the court to represent
23 the best interests of a child in a proceeding as provided for
24 by law, including, but not limited to, chapter 39 and this
25 chapter, who is a party to any judicial proceeding as a
26 representative of the child, and who serves until discharged
27 by the court.

28 (2) "Guardian advocate" means a person appointed by
29 the court to act on behalf of a drug dependent newborn
30 pursuant to the provisions in ss. 415.5082-415.5089.

31

1 Section 120. Section 415.5082, Florida Statutes, is
2 amended to read:

3 415.5082 Guardian advocates for drug dependent
4 newborns.--The Legislature finds that increasing numbers of
5 drug dependent children are born in this state. Because of
6 the parents' continued dependence upon drugs, the parents may
7 temporarily leave their child with a relative or other adult
8 or may have agreed to voluntary family services under s.
9 39.301(8)~~415.505(1)(e)~~. The relative or other adult may be
10 left with a child who is likely to require medical treatment
11 but for whom they are unable to obtain medical treatment. The
12 purpose of this section is to provide an expeditious method
13 for such relatives or other responsible adults to obtain a
14 court order which allows them to provide consent for medical
15 treatment and otherwise advocate for the needs of the child
16 and to provide court review of such authorization.

17 Section 121. Paragraph (a) of subsection (1) of
18 section 415.5087, Florida Statutes, is amended to read:

19 415.5087 Grounds for appointment of a guardian
20 advocate.--

21 (1) The court shall appoint the person named in the
22 petition as a guardian advocate with all the powers and duties
23 specified in s. 415.5088 for an initial term of 1 year upon a
24 finding that:

25 (a) The child named in the petition is or was a drug
26 dependent newborn as described in s. 39.01(30)(a)2.
27 ~~415.503(10)(a)2.;~~

28 Section 122. Section 435.045, Florida Statutes, is
29 created to read:

30 435.045 Requirements for prospective foster or
31 adoptive parents.--

1 (1) Unless an election provided for in subsection (2)
2 is made with respect to the state, the department shall
3 conduct criminal records checks equivalent to the level 2
4 screening required in s. 435.04(1) for any prospective foster
5 or adoptive parent before the foster or adoptive parent may be
6 finally approved for placement of a child on whose behalf
7 foster care maintenance payments or adoption assistance
8 payments under s. 471 of the Social Security Act, 42 U.S.C.
9 671, are to be made. Approval shall not be granted:
10 (a) In any case in which a record check reveals a
11 felony conviction for child abuse, abandonment, or neglect;
12 for spousal abuse; for a crime against children, including
13 child pornography, or for a crime involving violence,
14 including rape, sexual assault, or homicide but not including
15 other physical assault or battery, if the department finds
16 that a court of competent jurisdiction has determined that the
17 felony was committed at any time; and
18 (b) In any case in which a record check reveals a
19 felony conviction for physical assault, battery, or a
20 drug-related offense, if the department finds that a court of
21 competent jurisdiction has determined that the felony was
22 committed within the past 5 years.
23 (2) For purposes of this section, and ss. 39.401(3)
24 and 39.508(9)(b) and (10)(a), the department and its
25 authorized agents or contract providers are hereby designated
26 a criminal justice agency for the purposes of accessing
27 criminal justice information, including National Crime
28 Information Center information, to be used for enforcing
29 Florida's laws concerning the crimes of child abuse,
30 abandonment, and neglect. This information shall be used
31 solely for purposes supporting the detection, apprehension,

1 prosecution, pretrial release, posttrial release, or
2 rehabilitation of criminal offenders or persons accused of the
3 crimes of child abuse, abandonment, or neglect and shall not
4 be further disseminated or used for any other purposes.

5 (3) Subsection (2) shall not apply if the Governor has
6 notified the Secretary of the United States Department of
7 Health and Human Services in writing that the state has
8 elected to make subsection (2) inapplicable to the state, or
9 if the Legislature, by law, has elected to make subsection (2)
10 inapplicable to the state.

11 Section 123. Section 447.401, Florida Statutes, is
12 amended to read:

13 447.401 Grievance procedures.--Each public employer
14 and bargaining agent shall negotiate a grievance procedure to
15 be used for the settlement of disputes between employer and
16 employee, or group of employees, involving the interpretation
17 or application of a collective bargaining agreement. Such
18 grievance procedure shall have as its terminal step a final
19 and binding disposition by an impartial neutral, mutually
20 selected by the parties; however, when the issue under appeal
21 is an allegation of abuse, abandonment, or neglect by an
22 employee under s. 39.201 or s. 415.1075 ~~or s. 415.504~~, the
23 grievance may not be decided until the abuse, abandonment, or
24 neglect of a child has been judicially determined or until a
25 confirmed report of abuse or neglect of a disabled adult or
26 elderly person has been upheld pursuant to the procedures for
27 appeal in ~~s. ss.415.1075 and 415.504~~. However, an arbiter or
28 other neutral shall not have the power to add to, subtract
29 from, modify, or alter the terms of a collective bargaining
30 agreement. If an employee organization is certified as the
31 bargaining agent of a unit, the grievance procedure then in

1 existence may be the subject of collective bargaining, and any
2 agreement which is reached shall supersede the previously
3 existing procedure. All public employees shall have the right
4 to a fair and equitable grievance procedure administered
5 without regard to membership or nonmembership in any
6 organization, except that certified employee organizations
7 shall not be required to process grievances for employees who
8 are not members of the organization. A career service
9 employee shall have the option of utilizing the civil service
10 appeal procedure, an unfair labor practice procedure, or a
11 grievance procedure established under this section, but such
12 employee is precluded from availing himself or herself to more
13 than one of these procedures.

14 Section 124. Paragraph (d) of subsection (1) of
15 section 464.018, Florida Statutes, is amended to read:

16 464.018 Disciplinary actions.--

17 (1) The following acts shall be grounds for
18 disciplinary action set forth in this section:

19 (d) Being found guilty, regardless of adjudication, of
20 any of the following offenses:

21 1. A forcible felony as defined in chapter 776.

22 2. A violation of chapter 812, relating to theft,
23 robbery, and related crimes.

24 3. A violation of chapter 817, relating to fraudulent
25 practices.

26 4. A violation of chapter 800, relating to lewdness
27 and indecent exposure.

28 5. A violation of chapter 784, relating to assault,
29 battery, and culpable negligence.

30 6. A violation of chapter 827, relating to child
31 abuse.

1 7. A violation of chapter 415, relating to protection
2 from abuse, neglect, and exploitation.

3 8. A violation of chapter 39, relating to child abuse,
4 abandonment, and neglect.

5 Section 125. Paragraph (a) of subsection (2) of
6 section 490.014, Florida Statutes, is amended to read:

7 490.014 Exemptions.--

8 (2) No person shall be required to be licensed or
9 provisionally licensed under this chapter who:

10 (a) Is a salaried employee of a government agency;
11 developmental services program, mental health, alcohol, or
12 drug abuse facility operating pursuant to chapter 393, chapter
13 394, or chapter 397; subsidized child care program, subsidized
14 child care case management program, or child care resource and
15 referral program operating pursuant to chapter 402;
16 child-placing or child-caring agency licensed pursuant to
17 chapter 409; domestic violence center certified pursuant to
18 chapter 39 ~~415~~; accredited academic institution; or research
19 institution, if such employee is performing duties for which
20 he or she was trained and hired solely within the confines of
21 such agency, facility, or institution.

22 Section 126. Paragraph (a) of subsection (4) of
23 section 491.014, Florida Statutes, is amended to read:

24 491.014 Exemptions.--

25 (4) No person shall be required to be licensed,
26 provisionally licensed, registered, or certified under this
27 chapter who:

28 (a) Is a salaried employee of a government agency;
29 developmental services program, mental health, alcohol, or
30 drug abuse facility operating pursuant to chapter 393, chapter
31 394, or chapter 397; subsidized child care program, subsidized

1 child care case management program, or child care resource and
2 referral program operating pursuant to chapter 402;
3 child-placing or child-caring agency licensed pursuant to
4 chapter 409; domestic violence center certified pursuant to
5 chapter 39 ~~415~~; accredited academic institution; or research
6 institution, if such employee is performing duties for which
7 he or she was trained and hired solely within the confines of
8 such agency, facility, or institution.

9 Section 127. Paragraph (b) of subsection (3) of
10 section 741.30, Florida Statutes, is amended to read:

11 741.30 Domestic violence; injunction; powers and
12 duties of court and clerk; petition; notice and hearing;
13 temporary injunction; issuance of injunction; statewide
14 verification system; enforcement.--

15 (3)

16 (b) The sworn petition shall be in substantially the
17 following form:

18

19 PETITION FOR
20 INJUNCTION FOR PROTECTION
21 AGAINST DOMESTIC VIOLENCE
22

23 Before me, the undersigned authority, personally appeared
24 Petitioner ...(Name)..., who has been sworn and says that the
25 following statements are true:

26 (a) Petitioner resides at: ...(address)...

27 (Petitioner may furnish address to the court in a
28 separate confidential filing if, for safety reasons, the
29 petitioner requires the location of the current residence to
30 be confidential.)

31 (b) Respondent resides at: ...(last known address)...

1 (c) Respondent's last known place of employment:
2 ...(name of business and address)...

3 (d) Physical description of respondent:
4 Race....
5 Sex....
6 Date of birth....
7 Height....
8 Weight....
9 Eye color....
10 Hair color....
11 Distinguishing marks or scars....

12 (e) Aliases of respondent:

13 (f) Respondent is the spouse or former spouse of the
14 petitioner or is any other person related by blood or marriage
15 to the petitioner or is any other person who is or was
16 residing within a single dwelling unit with the petitioner, as
17 if a family, or is a person with whom the petitioner has a
18 child in common, regardless of whether the petitioner and
19 respondent are or were married or residing together, as if a
20 family.

21 (g) The following describes any other cause of action
22 currently pending between the petitioner and respondent:
23

24 The petitioner should also describe any previous or
25 pending attempts by the petitioner to obtain an injunction for
26 protection against domestic violence in this or any other
27 circuit, and the results of that attempt.....
28

29 Case numbers should be included if available.

30 (h) Petitioner has suffered or has reasonable cause to
31 fear imminent domestic violence because respondent has:

1 (i) Petitioner alleges the following additional
2 specific facts: (mark appropriate sections)
3 Petitioner is the custodian of a minor child or
4 children whose names and ages are as follows:
5 Petitioner needs the exclusive use and possession
6 of the dwelling that the parties share.
7 Petitioner is unable to obtain safe alternative
8 housing because:
9 Petitioner genuinely fears that respondent
10 imminently will abuse, remove, or hide the minor child or
11 children from petitioner because:
12
13 (j) Petitioner genuinely fears imminent domestic
14 violence by respondent.
15 (k) Petitioner seeks an injunction: (mark appropriate
16 section or sections)
17 Immediately restraining the respondent from
18 committing any acts of domestic violence.
19 Restraining the respondent from committing any acts
20 of domestic violence.
21 Awarding to the petitioner the temporary exclusive
22 use and possession of the dwelling that the parties share or
23 excluding the respondent from the residence of the petitioner.
24 Awarding temporary custody of, or temporary
25 visitation rights with regard to, the minor child or children
26 of the parties, or prohibiting or limiting visitation to that
27 which is supervised by a third party.
28 Establishing temporary support for the minor child
29 or children or the petitioner.
30
31

1 Directing the respondent to participate in a
2 batterers' intervention program or other treatment pursuant to
3 s. 39.901 ~~415.601~~.

4 Providing any terms the court deems necessary for
5 the protection of a victim of domestic violence, or any minor
6 children of the victim, including any injunctions or
7 directives to law enforcement agencies.

8 Section 128. Subsection (3) of section 744.309,
9 Florida Statutes, is amended to read:

10 744.309 Who may be appointed guardian of a resident
11 ward.--

12 (3) DISQUALIFIED PERSONS.--No person who has been
13 convicted of a felony or who, from any incapacity or illness,
14 is incapable of discharging the duties of a guardian, or who
15 is otherwise unsuitable to perform the duties of a guardian,
16 shall be appointed to act as guardian. Further, no person who
17 has been judicially determined to have committed abuse,
18 abandonment, or neglect against a child as defined in s.
19 ~~39.01(2) and (47)~~, or who has a confirmed report of abuse,
20 neglect, or exploitation which has been uncontested or upheld
21 pursuant to the provisions of ss. 415.104 and 415.1075 shall
22 be appointed to act as a guardian. Except as provided in
23 subsection (5) or subsection (6), a person who provides
24 substantial services to the proposed ward in a professional or
25 business capacity, or a creditor of the proposed ward, may not
26 be appointed guardian and retain that previous professional or
27 business relationship. A person may not be appointed a
28 guardian if he or she is in the employ of any person, agency,
29 government, or corporation that provides service to the
30 proposed ward in a professional or business capacity, except
31 that a person so employed may be appointed if he or she is the

1 spouse, adult child, parent, or sibling of the proposed ward
2 or the court determines that the potential conflict of
3 interest is insubstantial and that the appointment would
4 clearly be in the proposed ward's best interest. The court
5 may not appoint a guardian in any other circumstance in which
6 a conflict of interest may occur.

7 Section 129. Section 784.075, Florida Statutes, is
8 amended to read:

9 784.075 Battery on detention or commitment facility
10 staff.--A person who commits a battery on an intake counselor
11 or case manager, as defined in s. 984.03(31)~~39.01(34)~~, on
12 other staff of a detention center or facility as defined in s.
13 984.03(19)~~39.01(23)~~, or on a staff member of a commitment
14 facility as defined in s. 985.03(45)~~39.01(59)(c), (d), or~~
15 ~~(e)~~, commits a felony of the third degree, punishable as
16 provided in s. 775.082, s. 775.083, or s. 775.084. For
17 purposes of this section, a staff member of the facilities
18 listed includes persons employed by the Department of Juvenile
19 Justice, persons employed at facilities licensed by the
20 Department of Juvenile Justice, and persons employed at
21 facilities operated under a contract with the Department of
22 Juvenile Justice.

23 Section 130. Section 933.18, Florida Statutes, is
24 amended to read:

25 933.18 When warrant may be issued for search of
26 private dwelling.--No search warrant shall issue under this
27 chapter or under any other law of this state to search any
28 private dwelling occupied as such unless:

- 29 (1) It is being used for the unlawful sale,
30 possession, or manufacture of intoxicating liquor;
31 (2) Stolen or embezzled property is contained therein;

- 1 (3) It is being used to carry on gambling;
- 2 (4) It is being used to perpetrate frauds and
3 swindles;
- 4 (5) The law relating to narcotics or drug abuse is
5 being violated therein;
- 6 (6) A weapon, instrumentality, or means by which a
7 felony has been committed, or evidence relevant to proving
8 said felony has been committed, is contained therein;
- 9 (7) One or more of the following misdemeanor child
10 abuse offenses is being committed there:
- 11 (a) Interference with custody, in violation of s.
12 787.03.
- 13 (b) Commission of an unnatural and lascivious act with
14 a child, in violation of s. 800.02.
- 15 (c) Exposure of sexual organs to a child, in violation
16 of s. 800.03.
- 17 (8) It is in part used for some business purpose such
18 as a store, shop, saloon, restaurant, hotel, or boardinghouse,
19 or lodginghouse;
- 20 (9) It is being used for the unlawful sale,
21 possession, or purchase of wildlife, saltwater products, or
22 freshwater fish being unlawfully kept therein; or
- 23 (10) The laws in relation to cruelty to animals have
24 been or are being violated therein, except that no search
25 pursuant to such a warrant shall be made in any private
26 dwelling after sunset and before sunrise unless specially
27 authorized by the judge issuing the warrant, upon a showing of
28 probable cause. Property relating to the violation of such
29 laws may be taken on a warrant so issued from any private
30 dwelling in which it is concealed or from the possession of
31 any person therein by whom it shall have been used in the

1 commission of such offense or from any person therein in whose
2 possession it may be.

3

4 If, during a search pursuant to a warrant issued under this
5 section, a child is discovered and appears to be in imminent
6 danger, the law enforcement officer conducting such search may
7 remove the child from the private dwelling and take the child
8 into protective custody pursuant to chapter 39 ~~s. 415.506~~.

9 The term "private dwelling" shall be construed to include the
10 room or rooms used and occupied, not transiently but solely as
11 a residence, in an apartment house, hotel, boardinghouse, or
12 lodginghouse. No warrant shall be issued for the search of
13 any private dwelling under any of the conditions hereinabove
14 mentioned except on sworn proof by affidavit of some
15 creditable witness that he or she has reason to believe that
16 one of said conditions exists, which affidavit shall set forth
17 the facts on which such reason for belief is based.

18 Section 131. Subsection (10) of section 943.045,
19 Florida Statutes, is amended to read:

20 943.045 Definitions; ss. 943.045-943.08.--The
21 following words and phrases as used in ss. 943.045-943.08
22 shall have the following meanings:

23 (10) "Criminal justice agency" means:

24 (a) A court.

25 (b) The department.

26 (c) The Department of Juvenile Justice.

27 (d) The Department of Children and and Family
28 Services.

29 (e)~~(d)~~ Any other governmental agency or subunit
30 thereof which performs the administration of criminal justice
31 pursuant to a statute or rule of court and which allocates a

1 substantial part of its annual budget to the administration of
2 criminal justice.

3 Section 132. Section 944.401, Florida Statutes, is
4 amended to read:

5 944.401 Escapes from secure detention or residential
6 commitment facility.--An escape from any secure detention
7 facility maintained for the temporary detention of children,
8 pending adjudication, disposition, or placement; an escape
9 from any residential commitment facility defined in s.
10 985.03(45)~~39-01(59)~~, maintained for the custody, treatment,
11 punishment, or rehabilitation of children found to have
12 committed delinquent acts or violations of law; or an escape
13 from lawful transportation thereto or therefrom constitutes
14 escape within the intent and meaning of s. 944.40 and is a
15 felony of the third degree, punishable as provided in s.
16 775.082, s. 775.083, or s. 775.084.

17 Section 133. Subsection (3) of section 944.705,
18 Florida Statutes, is amended to read:

19 944.705 Release orientation program.--

20 (3) Any inmate who claims to be a victim of domestic
21 violence as defined in s. 741.28 shall receive, as part of the
22 release orientation program, referral to the nearest domestic
23 violence center certified under part X of chapter 39 ~~ss.~~
24 ~~415.601-415.608~~.

25 Section 134. Subsections (2) and (41) of section
26 984.03, Florida Statutes, as amended by chapter 97-276, Laws
27 of Florida, are amended to read:

28 984.03 Definitions.--When used in this chapter, the
29 term:

30 (2) "Abuse" means any willful act that results in any
31 physical, mental, or sexual injury that causes or is likely to

1 cause the child's physical, mental, or emotional health to be
2 significantly impaired. Corporal discipline of a child by a
3 parent or guardian for disciplinary purposes does not in
4 itself constitute abuse when it does not result in harm to the
5 child as defined in s. 39.01 ~~415.503~~.

6 (41) "Parent" means a woman who gives birth to a child
7 and a man whose consent to the adoption of the child would be
8 required under s. 63.062(1)(b). If a child has been legally
9 adopted, the term "parent" means the adoptive mother or father
10 of the child. The term does not include an individual whose
11 parental relationship to the child has been legally
12 terminated, or an alleged or prospective parent, unless the
13 parental status falls within the terms of either s. 39.503
14 ~~39.4051(7)~~ or s. 63.062(1)(b).

15 Section 135. Subsection (4) of section 984.10, Florida
16 Statutes, is amended to read:

17 984.10 Intake.--

18 (4) If the department has reasonable grounds to
19 believe that the child has been abandoned, abused, or
20 neglected, it shall proceed pursuant to the provisions of ~~s.~~
21 ~~415.505~~ and chapter 39.

22 Section 136. Paragraphs (a) and (c) of subsection (3)
23 of section 984.15, Florida Statutes, are amended to read:

24 984.15 Petition for a child in need of services.--

25 (3)(a) The parent, guardian, or legal custodian may
26 file a petition alleging that a child is a child in need of
27 services if:

28 1. The department waives the requirement for a case
29 staffing committee.

30 2. The department fails to convene a meeting of the
31 case staffing committee within 7 days, excluding weekends and

1 legal holidays, after receiving a written request for such a
2 meeting from the child's parent, guardian, or legal custodian.

3 3. The parent, guardian, or legal custodian does not
4 agree with the plan for services offered by the case staffing
5 committee.

6 4. The department fails to provide a written report
7 within 7 days after the case staffing committee meets, as
8 required under s. 984.12(8)~~39.426(8)~~.

9 (c) The petition must be in writing and must set forth
10 specific facts alleging that the child is a child in need of
11 services as defined in s. 984.03(9)~~39.01~~. The petition must
12 also demonstrate that the parent, guardian, or legal custodian
13 has in good faith, but unsuccessfully, participated in the
14 services and processes described in ss. 984.11 and 984.12
15 ~~39.424 and 39.426~~.

16 Section 137. Section 984.24, Florida Statutes, is
17 amended to read:

18 984.24 Appeal.--The state, any child, or the family,
19 guardian ad litem, or legal custodian of any child who is
20 affected by an order of the court pursuant to this chapter
21 ~~part~~ may appeal to the appropriate district court of appeal
22 within the time and in the manner prescribed by the Florida
23 Rules of Appellate Procedure and pursuant to s. 39.510 ~~39.413~~.

24 Section 138. Subsection (42) of section 985.03,
25 Florida Statutes, as amended by chapter 97-276, Laws of
26 Florida, is amended to read:

27 985.03 Definitions.--When used in this chapter, the
28 term:

29 (42) "Parent" means a woman who gives birth to a child
30 and a man whose consent to the adoption of the child would be
31 required under s. 63.062(1)(b). If a child has been legally

1 adopted, the term "parent" means the adoptive mother or father
2 of the child. The term does not include an individual whose
3 parental relationship to the child has been legally
4 terminated, or an alleged or prospective parent, unless the
5 parental status falls within the terms of either s. 39.503
6 ~~39.4051(7)~~ or s. 63.062(1)(b).

7 Section 139. Paragraph (c) of subsection (4) of
8 section 985.303, Florida Statutes, is amended to read:

9 985.303 Neighborhood restorative justice.--

10 (4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.--

11 (c) The board shall require the parent or legal
12 guardian of the juvenile who is referred to a Neighborhood
13 Restorative Justice Center to appear with the juvenile before
14 the board at the time set by the board. In scheduling board
15 meetings, the board shall be cognizant of a parent's or legal
16 guardian's other obligations. The failure of a parent or
17 legal guardian to appear at the scheduled board meeting with
18 his or her child or ward may be considered by the juvenile
19 court as an act of child neglect as defined by s. 39.01
20 ~~415.503(3)~~, and the board may refer the matter to the
21 Department of Children and Family Services for investigation
22 under the provisions of chapter 39 ~~415~~.

23 Section 140. Sections 39.0195, 39.0196, 39.39, 39.403,
24 39.4032, 39.4052, 39.4053, 39.449, 39.45, 39.457, 39.459,
25 39.4625, 39.472, 39.475, 415.501, 415.5015, 415.5016,
26 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, 415.5019,
27 415.502, 415.503, 415.505, 415.506, 415.5075, 415.509, and
28 415.514, Florida Statutes, are repealed.

29 Section 141. This act shall take effect July 1 of the
30 year in which enacted.

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HOUSE SUMMARY

Merges provisions of ch. 415, F.S., relating to child abuse, abandonment, and neglect, the Family Builders Program, and domestic violence, with provisions of ch. 39, F.S., relating to child protection and dependent children. Revises, reorganizes, clarifies, and conforms provisions relating to reporting of child abuse, abandonment, and neglect, protective investigations, the Family Builders Program, taking children into custody, shelter hearings, petitions, proceedings for arraignment, adjudication, and disposition, case plans, judicial reviews, termination of parental rights, and domestic violence. Authorizes the Department of Revenue to disclose certain confidential taxpayer and parent locator information for diligent search activities of the Department of Children and Family Services under ch. 39, F.S. Requires drug testing of the department's child protective investigations personnel. Requires level 2 background screening under ch. 435, F.S., for prospective foster and adoptive parents. Provides standards for child advocacy centers eligible for state funding. Designates the Department of Children and Family Services as a "criminal justice agency" for purposes of the criminal justice information system. Repeals provisions relating to multidisciplinary case staffing, affirmative duty to perform certain notice and diligent search activities when a child is taken into custody, the family services response system, a foster care pilot program in Leon County, district school system child prevention training requirements, and education and training programs for officials required to report child abuse, abandonment, and neglect. See bill for details.