

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. 415.511, F.S., relating to immunity  
2 from liability in cases of child abuse,  
3 abandonment, or neglect; renumbering and  
4 amending s. 415.512, F.S., relating to  
5 abrogation of privileged communications in  
6 cases of child abuse, abandonment, or neglect;  
7 renumbering and amending s. 415.513, F.S.,  
8 relating to penalties relating to reporting of  
9 child abuse, abandonment, or neglect;  
10 renumbering and amending s. 415.5131, F.S.,  
11 relating to administrative fines for false  
12 reporting; providing for pt. III of ch. 39,  
13 F.S., entitled "Protective Investigations";  
14 creating s. 39.301, F.S.; providing for child  
15 protective investigations; creating s. 39.302,  
16 F.S.; providing for protective investigations  
17 of institutional child abuse, abandonment, or  
18 neglect; renumbering and amending s. 415.5055,  
19 F.S., relating to child protection teams and  
20 services and eligible cases; creating s.  
21 39.3035, F.S.; providing standards for child  
22 advocacy centers eligible for state funding;  
23 renumbering and amending s. 415.507, F.S.,  
24 relating to photographs, medical examinations,  
25 X rays, and medical treatment of an abused,  
26 abandoned, or neglected child; renumbering and  
27 amending s. 415.5095, F.S., relating to a model  
28 plan for intervention and treatment in sexual  
29 abuse cases; creating s. 39.306, F.S.;  
30 providing for working agreements with local law  
31 enforcement to perform criminal investigations;

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

1 39.4033, F.S., relating to referral of a  
2 dependency case to mediation; providing for pt.  
3 VI of ch. 39, F.S., entitled "Petition,  
4 Arraignment, Adjudication, and Disposition";  
5 renumbering and amending s. 39.404, F.S.,  
6 relating to petition for dependency;  
7 renumbering and amending s. 39.405, F.S.,  
8 relating to notice, process, and service;  
9 renumbering and amending s. 39.4051, F.S.,  
10 relating to procedures when the identity or  
11 location of the parent, legal custodian, or  
12 caregiver is unknown; renumbering and amending  
13 s. 39.4055, F.S., relating to injunction  
14 pending disposition of a petition for detention  
15 or dependency; renumbering and amending s.  
16 39.406, F.S., relating to answers to petitions  
17 or other pleadings; renumbering and amending s.  
18 39.408(1), F.S., relating to arraignment  
19 hearings; renumbering and amending ss.  
20 39.408(2) and 39.409, F.S., relating to  
21 adjudicatory hearings and orders; renumbering  
22 and amending ss. 39.408(3) and (4) and 39.41,  
23 F.S., relating to disposition hearings and  
24 powers of disposition; renumbering and amending  
25 s. 39.4105, F.S., relating to grandparents  
26 rights; renumbering and amending s. 39.413,  
27 F.S., relating to appeals; providing for pt.  
28 VII of ch. 39, F.S., entitled "Case Plans";  
29 renumbering and amending s. 39.4031, F.S.,  
30 relating to case plan requirements and case  
31 planning for children in out-of-home care;

1 renumbering and amending s. 39.452(1)-(4),  
2 F.S., relating to case planning for children in  
3 out-of-home care when the parents, legal  
4 custodians, or caregivers do not participate;  
5 renumbering and amending s. 39.452(5), F.S.,  
6 relating to court approvals of case planning;  
7 providing for pt. VIII of ch. 39, F.S.,  
8 entitled "Judicial Reviews"; renumbering and  
9 amending s. 39.453, F.S., relating to judicial  
10 review of the status of a child; renumbering  
11 and amending s. 39.4531, F.S., relating to  
12 citizen review panels; renumbering and amending  
13 s. 39.454, F.S., relating to initiation of  
14 proceedings for termination of parental rights;  
15 renumbering and amending s. 39.456, F.S.,  
16 relating to exemptions from judicial review;  
17 providing for pt. IX of ch. 39, F.S., entitled  
18 "Termination of Parental Rights"; renumbering  
19 and amending ss. 39.46 and 39.462, F.S.,  
20 relating to procedures, jurisdiction, and  
21 service of process; renumbering and amending  
22 ss. 39.461 and 39.4611, F.S., relating to  
23 petition for termination of parental rights,  
24 and filing and elements thereof; creating s.  
25 39.803, F.S.; providing procedures when the  
26 identity or location of the parent is unknown  
27 after filing a petition for termination of  
28 parental rights; renumbering s. 39.4627, F.S.,  
29 relating to penalties for false statements of  
30 paternity; renumbering and amending s. 39.463,  
31 F.S., relating to petitions and pleadings for

1           which no answer is required; renumbering and  
2           amending s. 39.464, F.S., relating to grounds  
3           for termination of paternal rights; renumbering  
4           and amending s. 39.465, F.S., relating to right  
5           to counsel and appointment of a guardian ad  
6           litem; renumbering and amending s. 39.466,  
7           F.S., relating to advisory hearings;  
8           renumbering and amending s. 39.467, F.S.,  
9           relating to adjudicatory hearings; renumbering  
10          and amending s. 39.4612, F.S., relating to the  
11          manifest best interests of the child;  
12          renumbering and amending s. 39.469, F.S.,  
13          relating to powers of disposition and order of  
14          disposition; renumbering and amending s. 39.47,  
15          F.S., relating to post disposition relief;  
16          creating s. 39.813, F.S.; providing for  
17          continuing jurisdiction of the court which  
18          terminates parental rights over all matters  
19          pertaining to the child's adoption; renumbering  
20          s. 39.471, F.S., relating to oaths, records,  
21          and confidential information; renumbering and  
22          amending s. 39.473, F.S., relating to appeal;  
23          creating s. 39.816, F.S.; authorizing certain  
24          pilot and demonstration projects contingent on  
25          receipt of federal grants or contracts;  
26          creating s. 39.817, F.S.; providing for a  
27          foster care demonstration pilot project;  
28          providing for pt. X of ch. 39, F.S., entitled  
29          "Domestic Violence"; renumbering s. 415.601,  
30          F.S., relating to legislative intent regarding  
31          treatment and rehabilitation of victims and

1 perpetrators; renumbering and amending s.  
2 415.602, F.S., relating to definitions;  
3 renumbering and amending s. 415.603, F.S.,  
4 relating to duties and functions of the  
5 department; renumbering and amending s.  
6 415.604, F.S., relating to an annual report to  
7 the Legislature; renumbering and amending s.  
8 415.605, F.S., relating to domestic violence  
9 centers; renumbering s. 415.606, F.S., relating  
10 to referral to such centers and notice of  
11 rights; renumbering s. 415.608, F.S., relating  
12 to confidentiality of information received by  
13 the department or a center; amending ss. 20.19,  
14 20.43, 61.13, 61.401, 63.052, 63.092, 90.5036,  
15 154.067, 216.136, 232.50, 318.21, 384.29,  
16 392.65, 393.063, 395.1023, 400.4174, 400.556,  
17 402.165, 402.166, 409.1672, 409.176, 409.2554,  
18 409.9126, 414.065, 415.5082, 415.5087, 447.401,  
19 464.018, 490.014, 491.014, 741.30, 744.309,  
20 784.075, 933.18, 944.401, 944.705, 984.03,  
21 984.10, 984.15, 984.24, 985.03, and 985.303,  
22 F.S.; correcting cross references; conforming  
23 related provisions and references; amending ss.  
24 213.053 and 409.2577, F.S.; authorizing  
25 disclosure of certain confidential taxpayer and  
26 parent locator information for diligent search  
27 activities under ch. 39, F.S.; creating s.  
28 415.5076, F.S.; providing definitions relating  
29 to guardian ad litem and guardian advocate  
30 appointments; creating s. 435.045, F.S.;  
31 providing background screening requirements for

1 prospective foster or adoptive parents;  
2 amending s. 943.045, F.S.; providing that the  
3 Department of Children and Family Services is a  
4 "criminal justice agency" for purposes of the  
5 criminal justice information system; repealing  
6 s. 39.0195, F.S., relating to sheltering  
7 unmarried minors and aiding unmarried runaways;  
8 repealing s. 39.0196, F.S., relating to  
9 children locked out of the home; repealing ss.  
10 39.39, 39.449, and 39.459, F.S., relating to  
11 definition of "department"; repealing s.  
12 39.403, F.S., relating to protective  
13 investigation; repealing s. 39.4032, F.S.,  
14 relating to multidisciplinary case staffing;  
15 repealing s. 39.4052, F.S., relating to  
16 affirmative duty of written notice to adult  
17 relatives; repealing s. 39.4053, F.S., relating  
18 to diligent search after taking a child into  
19 custody; repealing s. 39.45, F.S., relating to  
20 legislative intent regarding foster care;  
21 repealing s. 39.457, F.S., relating to a pilot  
22 program in Leon County to provide additional  
23 benefits to children in foster care; repealing  
24 s. 39.4625, F.S., relating to identity or  
25 location of parent unknown after filing of  
26 petition for termination of parental rights;  
27 repealing s. 39.472, F.S., relating to court  
28 and witness fees; repealing s. 39.475, F.S.,  
29 relating to rights of grandparents; repealing  
30 s. 415.501, F.S., relating to prevention of  
31 abuse and neglect of children and a state plan



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

28  
29   Be It Enacted by the Legislature of the State of Florida:  
30  
31

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           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.

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.~~  
30  
31

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 415.511, Florida Statutes, is  
30 renumbered as section 39.203, Florida Statutes, and amended to  
31 read:



1           39.203 ~~415.511~~ Immunity from liability in cases of  
2 child abuse, abandonment, or neglect.--

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

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

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

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

30  
31

1           Section 15. Section 415.512, Florida Statutes, is  
2 renumbered as section 39.204, Florida Statutes, and amended to  
3 read:

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

22           Section 16. Section 415.513, Florida Statutes, is  
23 renumbered as section 39.205, Florida Statutes, and amended to  
24 read:

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

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

1 of a misdemeanor of the second degree, punishable as provided  
2 in s. 775.082 or s. 775.083.

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

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

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

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

24 Section 17. Section 415.5131, Florida Statutes, is  
25 renumbered as section 39.206, Florida Statutes, and amended to  
26 read:

27 39.206 ~~415.5131~~ Administrative fines for false report  
28 of abuse, abandonment, or neglect of a child.--

29 (1) In addition to any other penalty authorized by  
30 this section, chapter 120, or other law, the department may  
31 impose a fine, not to exceed \$1,000 for each violation, upon a

1 person who knowingly and willfully makes a false report of  
2 abuse, abandonment, or neglect of a child, or a person who  
3 counsels another to make a false report.

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

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

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

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

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

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

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

10          (c) Any previous false reports filed by the same  
11 individual.

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

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

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

30          (10) Any person making a report who is acting in good  
31 faith is immune from any liability under this section and

1 shall continue to be entitled to have the confidentiality of  
2 their identity maintained.

3 Section 18. Part III of chapter 39, Florida Statutes,  
4 consisting of sections 39.301, 39.302, 39.303, 39.3035,  
5 39.304, 39.305, 39.306, and 39.307, Florida Statutes, shall be  
6 entitled to read:

7 PART III

8 PROTECTIVE INVESTIGATIONS

9 Section 19. Section 39.301, Florida Statutes, is  
10 created to read:

11 39.301 Initiation of protective investigations.--

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

30  
31

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 20. 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 21. 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 22. 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 23. 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 24. 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 25. 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 26. 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 27. 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 28. 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 29. 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 30. 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 31. 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 32. 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 39. 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 40. 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 41. 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 42. 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 43. 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 44. 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 45. 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 46. 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 47. 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 48. 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 ~~hearing~~ ~~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 49. 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 50. 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 ~~39.41 Powers of disposition.--~~

23 (8)(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 51. 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 52. 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 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 55. 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 56. 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) ~~(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 57. 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 58. 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 59. 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 60. 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 61. 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 62. 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, 39.816, and 39.817, Florida Statutes,  
20 shall be entitled to read:

21 PART IX

22 TERMINATION OF PARENTAL RIGHTS

23 Section 63. 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 64. 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 65. 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 66. Section 39.4627, Florida Statutes, is  
14 renumbered as section 39.804, Florida Statutes.

15 Section 67. 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 68. 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 69. 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 70. 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 71. 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 72. 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 73. 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 74. 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 75. 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 76. Section 39.471, Florida Statutes, is  
20 renumbered as section 39.814, Florida Statutes.

21 Section 77. 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 78. 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 79. Section 39.817, Florida Statutes, is  
17 created to read:

18 39.817 Foster care privatization demonstration pilot  
19 project.--A pilot project shall be established through The  
20 Ounce of Prevention Fund of Florida to contract with a private  
21 entity for a foster care privatization demonstration project.  
22 No more than 30 children with a goal of family reunification  
23 shall be accepted into the program on a no-eject-or-reject  
24 basis as identified by the Department of Children and Family  
25 Services. Sibling groups shall be kept together in one  
26 placement in their own communities. Foster care parents shall  
27 be paid employees of the program. The program shall provide  
28 for public/private partnerships, community collaboration,  
29 counseling, and medical and legal assistance, as needed. For  
30 purposes of identifying measurable outcomes, the pilot project  
31 shall be located in a department district with an integrated

1 district management which was selected as a family transition  
2 program site, has a population of less than 500,000, has a  
3 total caseload of no more than 400, with and without board  
4 payment, and has a total foster care case load of no more than  
5 250.

6 Section 80. Part X of chapter 39, Florida Statutes,  
7 consisting of sections 39.901, 39.902, 39.903, 39.904, 39.905,  
8 39.906, and 39.908, Florida Statutes, shall be entitled to  
9 read:

10 PART X

11 DOMESTIC VIOLENCE

12 Section 81. Section 415.601, Florida Statutes, is  
13 renumbered as section 39.901, Florida Statutes.

14 Section 82. Section 415.602, Florida Statutes, is  
15 renumbered as section 39.902, Florida Statutes, and amended to  
16 read:

17 39.902 ~~415.602~~ Definitions of terms used in ~~ss.~~  
18 ~~415.601-415.608.~~--As used in this part ~~ss. 415.601-415.608,~~  
19 the term:

20 ~~(1) "Department" means the Department of Children and~~  
21 ~~Family Services.~~

22 ~~(2) "District" means a service district of the~~  
23 ~~department as created in s. 20.19.~~

24 (1)~~(3)~~ "Domestic violence" means any assault, battery,  
25 sexual assault, sexual battery, or any criminal offense  
26 resulting in physical injury or death of one family or  
27 household member by another who is or was residing in the same  
28 single dwelling unit.

29 (2)~~(4)~~ "Domestic violence center" means an agency that  
30 provides services to victims of domestic violence, as its  
31 primary mission.

1           (3)~~(5)~~ "Family or household member" means spouses,  
2 former spouses, adults related by blood or marriage, persons  
3 who are presently residing together as if a family or who have  
4 resided together in the past as if a family, and persons who  
5 have a child in common regardless of whether they have been  
6 married or have resided together at any time.

7           Section 83. Section 415.603, Florida Statutes, is  
8 renumbered as section 39.903, Florida Statutes, and subsection  
9 (1) of said section is amended to read:

10           39.903 ~~415.603~~ Duties and functions of the department  
11 with respect to domestic violence.--

12           (1) The department shall:

13           (a) Develop by rule criteria for the approval or  
14 rejection of certification or funding of domestic violence  
15 centers.

16           (b) Develop by rule minimum standards for domestic  
17 violence centers to ensure the health and safety of the  
18 clients in the centers.

19           (c) Receive and approve or reject applications for  
20 certification of domestic violence centers, and receive and  
21 approve or reject applications for funding of domestic  
22 violence centers. When approving funding for a newly certified  
23 domestic violence center, the department shall make every  
24 effort to minimize any adverse economic impact on existing  
25 certified centers or services provided within the same  
26 district. In order to minimize duplication of services, the  
27 department shall make every effort to encourage subcontracting  
28 relationships with existing centers within the district. If  
29 any of the required services are exempted by the department  
30 under s. 39.905(1)(c)~~415.605(1)(c)~~, the center shall not  
31 receive funding for those services.

1           (d) Evaluate each certified domestic violence center  
2 annually to ensure compliance with the minimum standards. The  
3 department has the right to enter and inspect the premises of  
4 certified domestic violence centers at any reasonable hour in  
5 order to effectively evaluate the state of compliance of these  
6 centers with this part ~~ss. 415.601-415.608~~ and rules relating  
7 to this part ~~those sections~~.

8           (e) Adopt rules to implement this part ~~ss.~~  
9 ~~415.601-415.608~~.

10           (f) Promote the involvement of certified domestic  
11 violence centers in the coordination, development, and  
12 planning of domestic violence programming in the districts and  
13 the state.

14           Section 84. Section 415.604, Florida Statutes, is  
15 renumbered as section 39.904, Florida Statutes, and amended to  
16 read:

17           39.904 ~~415.604~~ Report to the Legislature on the status  
18 of domestic violence cases.--On or before January 1 of each  
19 year, the department ~~of Children and Family Services~~ shall  
20 furnish to the President of the Senate and the Speaker of the  
21 House of Representatives a report on the status of domestic  
22 violence in this state, which report shall include, but is not  
23 limited to, the following:

24           (1) The incidence of domestic violence in this state.

25           (2) An identification of the areas of the state where  
26 domestic violence is of significant proportions, indicating  
27 the number of cases of domestic violence officially reported,  
28 as well as an assessment of the degree of unreported cases of  
29 domestic violence.

30           (3) An identification and description of the types of  
31 programs in the state that assist victims of domestic violence

1 or persons who commit domestic violence, including information  
2 on funding for the programs.

3 (4) The number of persons who are treated by or  
4 assisted by local domestic violence programs that receive  
5 funding through the department.

6 (5) A statement on the effectiveness of such programs  
7 in preventing future domestic violence.

8 (6) An inventory and evaluation of existing prevention  
9 programs.

10 (7) A listing of potential prevention efforts  
11 identified by the department; the estimated annual cost of  
12 providing such prevention services, both for a single client  
13 and for the anticipated target population as a whole; an  
14 identification of potential sources of funding; and the  
15 projected benefits of providing such services.

16 Section 85. Section 415.605, Florida Statutes, is  
17 renumbered as section 39.905, Florida Statutes, and  
18 subsections (1) and (2) and paragraph (a) of subsection (6) of  
19 said section are amended, to read:

20 39.905 ~~415.605~~ Domestic violence centers.--

21 (1) Domestic violence centers certified under this  
22 part ~~ss. 415.601-415.608~~ must:

23 (a) Provide a facility which will serve as a center to  
24 receive and house persons who are victims of domestic  
25 violence. For the purpose of this part ~~ss. 415.601-415.608~~,  
26 minor children and other dependents of a victim, when such  
27 dependents are partly or wholly dependent on the victim for  
28 support or services, may be sheltered with the victim in a  
29 domestic violence center.

30 (b) Receive the annual written endorsement of local  
31 law enforcement agencies.

1           (c) Provide minimum services which include, but are  
2 not limited to, information and referral services, counseling  
3 and case management services, temporary emergency shelter for  
4 more than 24 hours, a 24-hour hotline, training for law  
5 enforcement personnel, assessment and appropriate referral of  
6 resident children, and educational services for community  
7 awareness relative to the incidence of domestic violence, the  
8 prevention of such violence, and the care, treatment, and  
9 rehabilitation for persons engaged in or subject to domestic  
10 violence. If a 24-hour hotline, professional training, or  
11 community education is already provided by a certified  
12 domestic violence center within a district, the department may  
13 exempt such certification requirements for a new center  
14 serving the same district in order to avoid duplication of  
15 services.

16           (d) Participate in the provision of orientation and  
17 training programs developed for law enforcement officers,  
18 social workers, and other professionals and paraprofessionals  
19 who work with domestic violence victims to better enable such  
20 persons to deal effectively with incidents of domestic  
21 violence.

22           (e) Establish and maintain a board of directors  
23 composed of at least three citizens, one of whom must be a  
24 member of a local, municipal, or county law enforcement  
25 agency.

26           (f) Comply with rules adopted pursuant to this part  
27 ~~ss. 415.601-415.608~~.

28           (g) File with the department a list of the names of  
29 the domestic violence advocates who are employed or who  
30 volunteer at the domestic violence center who may claim a  
31 privilege under s. 90.5036 to refuse to disclose a

1 confidential communication between a victim of domestic  
2 violence and the advocate regarding the domestic violence  
3 inflicted upon the victim. The list must include the title of  
4 the position held by the advocate whose name is listed and a  
5 description of the duties of that position. A domestic  
6 violence center must file amendments to this list as  
7 necessary.

8 (h) Demonstrate local need and ability to sustain  
9 operations through a history of 18 consecutive months'  
10 operation as a domestic violence center, including 12 months'  
11 operation of an emergency shelter as provided in paragraph (c)  
12 ~~defined in paragraph (1)(a)~~, and a business plan which  
13 addresses future operations and funding of future operations.

14 (i) If its center is a new center applying for  
15 certification, demonstrate that the services provided address  
16 a need identified in the most current statewide needs  
17 assessment approved by the department.

18 (2) If the department finds that there is failure by a  
19 center to comply with the requirements established under this  
20 part ss. 415.601-415.608 or with the rules adopted pursuant  
21 thereto, the department may deny, suspend, or revoke the  
22 certification of the center.

23 (6) In order to receive state funds, a center must:

24 (a) Obtain certification pursuant to this part ss.  
25 ~~415.601-415.608~~. However, the issuance of a certificate will  
26 not obligate the department to provide funding.

27 Section 86. Section 415.606, Florida Statutes, is  
28 renumbered as section 39.906, Florida Statutes.

29 Section 87. Section 415.608, Florida Statutes, is  
30 renumbered as section 39.908, Florida Statutes.

31

1 Section 88. Paragraph (b) of subsection (4) of section  
2 20.19, Florida Statutes, is amended to read:

3 20.19 Department of Children and Family  
4 Services.--There is created a Department of Children and  
5 Family Services.

6 (4) PROGRAM OFFICES.--

7 (b) The following program offices are established and  
8 may be consolidated, restructured, or rearranged by the  
9 secretary; provided any such consolidation, restructuring, or  
10 rearranging is for the purpose of encouraging service  
11 integration through more effective and efficient performance  
12 of the program offices or parts thereof:

13 1. Economic Self-Sufficiency Program Office.--The  
14 responsibilities of this office encompass income support  
15 programs within the department, such as temporary assistance  
16 to families with dependent children, food stamps, welfare  
17 reform, and state supplementation of the supplemental security  
18 income (SSI) program.

19 2. Developmental Services Program Office.--The  
20 responsibilities of this office encompass programs operated by  
21 the department for developmentally disabled persons.  
22 Developmental disabilities include any disability defined in  
23 s. 393.063.

24 3. Children and Families Program Office.--The  
25 responsibilities of this program office encompass early  
26 intervention services for children and families at risk;  
27 intake services for protective investigation of abandoned,  
28 abused, and neglected children; interstate compact on the  
29 placement of children programs; adoption; child care;  
30 out-of-home care programs and other specialized services to  
31 families; and child protection and sexual abuse treatment



1 teams created under chapter 39 ~~415~~, excluding medical  
2 direction functions.

3 4. Alcohol, Drug Abuse, and Mental Health Program  
4 Office.--The responsibilities of this office encompass all  
5 alcohol, drug abuse, and mental health programs operated by  
6 the department.

7 Section 89. Paragraph (h) of subsection (1) of section  
8 20.43, Florida Statutes, is amended to read:

9 20.43 Department of Health.--There is created a  
10 Department of Health.

11 (1) The purpose of the Department of Health is to  
12 promote and protect the health of all residents and visitors  
13 in the state through organized state and community efforts,  
14 including cooperative agreements with counties. The  
15 department shall:

16 (h) Provide medical direction for child protection  
17 team and sexual abuse treatment functions created under  
18 chapter 39 ~~415~~.

19 Section 90. Paragraph (b)2. of subsection (2) of  
20 section 61.13, Florida Statutes, is amended to read:

21 61.13 Custody and support of children; visitation  
22 rights; power of court in making orders.--

23 (2)

24 (b)

25 2. The court shall order that the parental  
26 responsibility for a minor child be shared by both parents  
27 unless the court finds that shared parental responsibility  
28 would be detrimental to the child. Evidence that a parent has  
29 been convicted of a felony of the third degree or higher  
30 involving domestic violence, as defined in s. 741.28 and  
31 chapter 775, or meets the criteria of s. 39.806(1)(d)

1 ~~39.464(1)(d)~~, creates a rebuttable presumption of detriment to  
2 the child. If the presumption is not rebutted, shared parental  
3 responsibility, including visitation, residence of the child,  
4 and decisions made regarding the child, may not be granted to  
5 the convicted parent. However, the convicted parent is not  
6 relieved of any obligation to provide financial support. If  
7 the court determines that shared parental responsibility would  
8 be detrimental to the child, it may order sole parental  
9 responsibility and make such arrangements for visitation as  
10 will best protect the child or abused spouse from further  
11 harm. Whether or not there is a conviction of any offense of  
12 domestic violence or child abuse or the existence of an  
13 injunction for protection against domestic violence, the court  
14 shall consider evidence of domestic violence or child abuse as  
15 evidence of detriment to the child.

16       a. In ordering shared parental responsibility, the  
17 court may consider the expressed desires of the parents and  
18 may grant to one party the ultimate responsibility over  
19 specific aspects of the child's welfare or may divide those  
20 responsibilities between the parties based on the best  
21 interests of the child. Areas of responsibility may include  
22 primary residence, education, medical and dental care, and any  
23 other responsibilities that the court finds unique to a  
24 particular family.

25       b. The court shall order "sole parental  
26 responsibility, with or without visitation rights, to the  
27 other parent when it is in the best interests of" the minor  
28 child.

29       c. The court may award the grandparents visitation  
30 rights with a minor child if it is in the child's best  
31 interest. Grandparents have legal standing to seek judicial

1 enforcement of such an award. This section does not require  
2 that grandparents be made parties or given notice of  
3 dissolution pleadings or proceedings, nor do grandparents have  
4 legal standing as "contestants" as defined in s. 61.1306. A  
5 court may not order that a child be kept within the state or  
6 jurisdiction of the court solely for the purpose of permitting  
7 visitation by the grandparents.

8 Section 91. Section 61.401, Florida Statutes, is  
9 amended to read:

10 61.401 Appointment of guardian ad litem.--In an action  
11 for dissolution of marriage, modification, parental  
12 responsibility, custody, or visitation, if the court finds it  
13 is in the best interest of the child, the court may appoint a  
14 guardian ad litem to act as next friend of the child,  
15 investigator or evaluator, not as attorney or advocate. The  
16 court in its discretion may also appoint legal counsel for a  
17 child to act as attorney or advocate; however, the guardian  
18 and the legal counsel shall not be the same person. In such  
19 actions which involve an allegation of child abuse,  
20 abandonment, or neglect as defined in s. 39.01 ~~415.503(3)~~,  
21 which allegation is verified and determined by the court to be  
22 well-founded, the court shall appoint a guardian ad litem for  
23 the child. The guardian ad litem shall be a party to any  
24 judicial proceeding from the date of the appointment until the  
25 date of discharge.

26 Section 92. Subsection (4) of section 63.052, Florida  
27 Statutes, is amended to read:

28 63.052 Guardians designated; proof of commitment.--

29 (4) If a child is voluntarily surrendered to an  
30 intermediary for subsequent adoption and the adoption does not  
31 become final within 180 days, the intermediary must report to

1 the court on the status of the child and the court may at that  
2 time proceed under s. 39.701 ~~39.453~~ or take action reasonably  
3 necessary to protect the best interest of the child.

4 Section 93. Paragraph (b) of subsection (2) of section  
5 63.092, Florida Statutes, is amended to read:

6 63.092 Report to the court of intended placement by an  
7 intermediary; preliminary study.--

8 (2) PRELIMINARY HOME STUDY.--Before placing the minor  
9 in the intended adoptive home, a preliminary home study must  
10 be performed by a licensed child-placing agency, a licensed  
11 professional, or agency described in s. 61.20(2), unless the  
12 petitioner is a stepparent, a spouse of the birth parent, or a  
13 relative. The preliminary study shall be completed within 30  
14 days after the receipt by the court of the intermediary's  
15 report, but in no event may the child be placed in the  
16 prospective adoptive home prior to the completion of the  
17 preliminary study unless ordered by the court. If the  
18 petitioner is a stepparent, a spouse of the birth parent, or a  
19 relative, the preliminary home study may be required by the  
20 court for good cause shown. The department is required to  
21 perform the preliminary home study only if there is no  
22 licensed child-placing agency, licensed professional, or  
23 agency described in s. 61.20(2), in the county where the  
24 prospective adoptive parents reside. The preliminary home  
25 study must be made to determine the suitability of the  
26 intended adoptive parents and may be completed prior to  
27 identification of a prospective adoptive child. A favorable  
28 preliminary home study is valid for 1 year after the date of  
29 its completion. A child must not be placed in an intended  
30 adoptive home before a favorable preliminary home study is  
31 completed unless the adoptive home is also a licensed foster

1 home under s. 409.175. The preliminary home study must  
2 include, at a minimum:

3 (b) Records checks of the department's central abuse  
4 registry ~~under chapter 415~~ and statewide criminal records  
5 correspondence checks through the Department of Law  
6 Enforcement on the intended adoptive parents;

7  
8 If the preliminary home study is favorable, a minor may be  
9 placed in the home pending entry of the judgment of adoption.  
10 A minor may not be placed in the home if the preliminary home  
11 study is unfavorable. If the preliminary home study is  
12 unfavorable, the intermediary or petitioner may, within 20  
13 days after receipt of a copy of the written recommendation,  
14 petition the court to determine the suitability of the  
15 intended adoptive home. A determination as to suitability  
16 under this subsection does not act as a presumption of  
17 suitability at the final hearing. In determining the  
18 suitability of the intended adoptive home, the court must  
19 consider the totality of the circumstances in the home.

20 Section 94. Subsection (2) of section 90.5036, Florida  
21 Statutes, is amended to read:

22 90.5036 Domestic violence advocate-victim privilege.--

23 (2) A victim has a privilege to refuse to disclose,  
24 and to prevent any other person from disclosing, a  
25 confidential communication made by the victim to a domestic  
26 violence advocate or any record made in the course of  
27 advising, counseling, or assisting the victim. The privilege  
28 applies to confidential communications made between the victim  
29 and the domestic violence advocate and to records of those  
30 communications only if the advocate is registered under s.  
31 39.905 ~~415.605~~ at the time the communication is made. This

1 privilege includes any advice given by the domestic violence  
2 advocate in the course of that relationship.

3 Section 95. Section 154.067, Florida Statutes, is  
4 amended to read:

5 154.067 Child abuse and neglect cases; duties.--The  
6 Department of Health shall adopt a rule requiring every county  
7 health department, as described in s. 154.01, to adopt a  
8 protocol that, at a minimum, requires the county health  
9 department to:

10 (1) Incorporate in its health department policy a  
11 policy that every staff member has an affirmative duty to  
12 report, pursuant to chapter 39 ~~415~~, any actual or suspected  
13 case of child abuse, abandonment, or neglect; and

14 (2) In any case involving suspected child abuse,  
15 abandonment, or neglect, designate, at the request of the  
16 department, a staff physician to act as a liaison between the  
17 county health department and the Department of Children and  
18 Family Services office that is investigating the suspected  
19 abuse, abandonment, or neglect, and the child protection team,  
20 as defined in s. 39.01 ~~415.503~~, when the case is referred to  
21 such a team.

22 Section 96. Subsection (15) of section 213.053,  
23 Florida Statutes, is amended to read:

24 213.053 Confidentiality and information sharing.--

25 (15) The department may disclose confidential taxpayer  
26 information contained in returns, reports, accounts, or  
27 declarations filed with the department by persons subject to  
28 any state or local tax to the child support enforcement  
29 program, to assist in the location of parents who owe or  
30 potentially owe a duty of support pursuant to Title IV-D of  
31 the Social Security Act, their assets, their income, and their

1 employer, and to the Department of Children and Family  
2 Services for the purpose of diligent search activities  
3 pursuant to chapter 39. Nothing in this subsection authorizes  
4 the disclosure of information if such disclosure is prohibited  
5 by federal law. Employees of the child support enforcement  
6 program and of the Department of Children and Family Services  
7 are bound by the same requirements of confidentiality and the  
8 same penalties for violation of the requirements as the  
9 department.

10 Section 97. Paragraph (a) of subsection (8) of section  
11 216.136, Florida Statutes, is amended to read:

12 216.136 Consensus estimating conferences; duties and  
13 principals.--

14 (8) CHILD WELFARE SYSTEM ESTIMATING CONFERENCE.--

15 (a) Duties.--The Child Welfare System Estimating  
16 Conference shall develop the following information relating to  
17 the child welfare system:

18 1. Estimates and projections of the number of initial  
19 and additional reports of child abuse, abandonment, or neglect  
20 made to the central abuse hotline registry and tracking system  
21 maintained by the Department of Children and Family Health and  
22 Rehabilitative Services as established in s. 39.201(4)  
23 ~~415.504(4)(a).~~

24 2. Estimates and projections of the number of children  
25 who are alleged to be victims of child abuse, abandonment, or  
26 neglect and are in need of placement in a an emergency  
27 shelter.

28  
29 In addition, the conference shall develop other official  
30 information relating to the child welfare system of the state  
31 which the conference determines is needed for the state

1 planning and budgeting system. The Department of Children and  
2 Family ~~Health and Rehabilitative~~ Services shall provide  
3 information on the child welfare system requested by the Child  
4 Welfare System Estimating Conference, or individual conference  
5 principals, in a timely manner.

6 Section 98. Section 232.50, Florida Statutes, is  
7 amended to read:

8 232.50 Child abuse, abandonment, and neglect  
9 policy.--Every school board shall by March 1, 1985:

10 (1) Post in a prominent place in each school a notice  
11 that, pursuant to chapter 39 ~~415~~, all employees or agents of  
12 the district school board have an affirmative duty to report  
13 all actual or suspected cases of child abuse, abandonment, or  
14 neglect, have immunity from liability if they report such  
15 cases in good faith, and have a duty to comply with child  
16 protective investigations and all other provisions of law  
17 relating to child abuse, abandonment, and neglect. The notice  
18 shall also include the statewide toll-free telephone number of  
19 the state abuse registry.

20 (2) Provide that the superintendent, or the  
21 superintendent's designee, at the request of the Department of  
22 Children and Family ~~Health and Rehabilitative~~ Services, will  
23 act as a liaison to the Department of Children and Family  
24 ~~Health and Rehabilitative~~ Services and the child protection  
25 team, as defined in s. 39.01 ~~415.503~~, when in a case of  
26 suspected child abuse, abandonment, or neglect or an unlawful  
27 sexual offense involving a child the case is referred to such  
28 a team; except that this subsection may in no instance be  
29 construed as relieving or restricting the Department of  
30 Children and Family ~~Health and Rehabilitative~~ Services from  
31 discharging its duty and responsibility under the law to



1 investigate and report every suspected or actual case of child  
2 abuse, abandonment, or neglect or unlawful sexual offense  
3 involving a child.

4  
5 Each district school board shall comply with the provisions of  
6 this section, and such board shall notify the Department of  
7 Education and the Department of Children and Family Health and  
8 ~~Rehabilitative~~ Services of its compliance by March 1, 1985.

9 Section 99. Paragraph (a) of subsection (2) of section  
10 318.21, Florida Statutes, as amended by section 2(1) of  
11 chapter 97-235, Laws of Florida, is amended 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) Fifteen and six-tenths percent shall be paid to  
18 the General Revenue Fund of the state, except that the first  
19 \$300,000 shall be deposited into the Grants and Donations  
20 Trust Fund in the Department of Children and Family Services  
21 for 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 100. Effective July 1, 1999, paragraph (a) of  
25 subsection (2) of section 318.21, as amended by section 3(1)  
26 of chapter 97-235, Laws of Florida, is amended 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) Ten 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 101. Effective July 1, 2000, paragraph (a) of  
9 subsection (2) of section 318.21, Florida Statutes, as amended  
10 by section 4(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) Five and six-tenths percent shall be paid to the  
18 General Revenue Fund of the state, except that the first  
19 \$300,000 shall be deposited into the Grants and Donations  
20 Trust Fund in the Department of Children and Family Services  
21 for 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 102. Effective July 1, 2001, paragraph (a) of  
25 subsection (2) of section 318.21, Florida Statutes, as amended  
26 by section 5(1) of chapter 97-235, Laws of Florida, is amended  
27 to 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 County Article V Trust Fund, except that the first \$300,000  
4 shall be deposited into the Grants and Donations Trust Fund in  
5 the Department of Children and Family Services for  
6 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 103. Effective July 1, 2002, paragraph (a) of  
10 subsection (2) of section 318.21, Florida Statutes, as amended  
11 by section 6 of chapter 97-235, Laws of Florida, is amended to  
12 read:

13 318.21 Disposition of civil penalties by county  
14 courts.--All civil penalties received by a county court  
15 pursuant to the provisions of this chapter shall be  
16 distributed and paid monthly as follows:

17 (2) Of the remainder:

18 (a) Twenty and six-tenths percent shall be paid to the  
19 General Revenue Fund of the state, except that the first  
20 \$300,000 shall be deposited into the Grants and Donations  
21 Trust Fund in the Department of Children and Family Services  
22 for administrative costs, training costs, and costs associated  
23 with the implementation and maintenance of Florida foster care  
24 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

25 Section 104. Paragraph (e) of subsection (1) of  
26 section 384.29, Florida Statutes, is amended to read:

27 384.29 Confidentiality.--

28 (1) All information and records held by the department  
29 or its authorized representatives relating to known or  
30 suspected cases of sexually transmissible diseases are  
31 strictly confidential and exempt from the provisions of s.

1 119.07(1). Such information shall not be released or made  
2 public by the department or its authorized representatives, or  
3 by a court or parties to a lawsuit upon revelation by  
4 subpoena, except under the following circumstances:

5 (e) When made to the proper authorities as required by  
6 chapter 39 or chapter 415.

7 Section 105. Paragraph (e) of subsection (1) of  
8 section 392.65, Florida Statutes, is amended to read:

9 392.65 Confidentiality.--

10 (1) All information and records held by the department  
11 or its authorized representatives relating to known or  
12 suspected cases of tuberculosis or exposure to tuberculosis  
13 shall be strictly confidential and exempt from s. 119.07(1).  
14 Such information shall not be released or made public by the  
15 department or its authorized representatives or by a court or  
16 parties to a lawsuit, except that release may be made under  
17 the following circumstances:

18 (e) When made to the proper authorities as required by  
19 chapter 39 or chapter 415.

20 Section 106. The introductory paragraph of subsection  
21 (14) of section 393.063, Florida Statutes, is amended to read:

22 393.063 Definitions.--For the purposes of this  
23 chapter:

24 (14) "Direct service provider," also known as  
25 "caregiver" in chapters 39 and ~~chapter~~ 415 or "caretaker" in  
26 provisions relating to employment security checks, means a  
27 person 18 years of age or older who has direct contact with  
28 individuals with developmental disabilities and is unrelated  
29 to the individuals with developmental disabilities.

30 Section 107. Section 395.1023, Florida Statutes, is  
31 amended to read:

1           395.1023 Child abuse and neglect cases; duties.--Each  
2 licensed facility shall adopt a protocol that, at a minimum,  
3 requires the facility to:

4           (1) Incorporate a facility policy that every staff  
5 member has an affirmative duty to report, pursuant to chapter  
6 39 415, any actual or suspected case of child abuse,  
7 abandonment, or neglect; and

8           (2) In any case involving suspected child abuse,  
9 abandonment, or neglect, designate, at the request of the  
10 department, a staff physician to act as a liaison between the  
11 hospital and the Department of Children and Family Services  
12 office which is investigating the suspected abuse,  
13 abandonment, or neglect, and the child protection team, as  
14 defined in s. 39.01 415.503, when the case is referred to such  
15 a team.

16  
17 Each general hospital and appropriate specialty hospital shall  
18 comply with the provisions of this section and shall notify  
19 the agency and the department of its compliance by sending a  
20 copy of its policy to the agency and the department as  
21 required by rule. The failure by a general hospital or  
22 appropriate specialty hospital to comply shall be punished by  
23 a fine not exceeding \$1,000, to be fixed, imposed, and  
24 collected by the agency. Each day in violation is considered  
25 a separate offense.

26           Section 108. Section 400.4174, Florida Statutes, is  
27 amended to read:

28           400.4174 Reports of abuse in facilities.--When an  
29 employee, volunteer, administrator, or owner of a facility has  
30 a confirmed report of adult abuse, neglect, or exploitation,  
31 as defined in s. 415.102, or a judicially determined report of

1 child abuse, abandonment, or neglect, as defined in s. 39.01  
2 ~~415.503~~, and the protective investigator knows that the  
3 individual is an employee, volunteer, administrator, or owner  
4 of a facility, the agency shall be notified of the ~~confirmed~~  
5 report.

6 Section 109. Paragraph (c) of subsection (2) of  
7 section 400.556, Florida Statutes, is amended to read:

8 400.556 Denial, suspension, revocation of license;  
9 administrative fines; investigations and inspections.--

10 (2) Each of the following actions by the owner of an  
11 adult day care center or by its operator or employee is a  
12 ground for action by the agency against the owner of the  
13 center or its operator or employee:

14 (c) A confirmed report of adult abuse, neglect, or  
15 exploitation, as defined in s. 415.102, or a report of child  
16 abuse, abandonment, or neglect, as defined in s. 39.01  
17 ~~415.503~~, which report has been upheld following a hearing held  
18 pursuant to chapter 120 or a waiver of such hearing.

19 Section 110. Paragraph (a) of subsection (8) of  
20 section 402.165, Florida Statutes, is amended to read:

21 402.165 Statewide Human Rights Advocacy Committee;  
22 confidential records and meetings.--

23 (8)(a) In the performance of its duties, the Statewide  
24 Human Rights Advocacy Committee shall have:

25 1. Authority to receive, investigate, seek to  
26 conciliate, hold hearings on, and act on complaints which  
27 allege any abuse or deprivation of constitutional or human  
28 rights of clients.

29 2. Access to all client records, files, and reports  
30 from any program, service, or facility that is operated,  
31 funded, licensed, or regulated by the Department of Children

1 and Family ~~Health and Rehabilitative~~ Services and any records  
2 which are material to its investigation and which are in the  
3 custody of any other agency or department of government. The  
4 committee's investigation or monitoring shall not impede or  
5 obstruct matters under investigation by law enforcement or  
6 judicial authorities. Access shall not be granted if a  
7 specific procedure or prohibition for reviewing records is  
8 required by federal law and regulation which supersedes state  
9 law. Access shall not be granted to the records of a private  
10 licensed practitioner who is providing services outside  
11 agencies and facilities and whose client is competent and  
12 refuses disclosure.

13           3. Standing to petition the circuit court for access  
14 to client records which are confidential as specified by law.  
15 The petition shall state the specific reasons for which the  
16 committee is seeking access and the intended use of such  
17 information. The court may authorize committee access to such  
18 records upon a finding that such access is directly related to  
19 an investigation regarding the possible deprivation of  
20 constitutional or human rights or the abuse of a client.  
21 Original client files, records, and reports shall not be  
22 removed from the Department of Children and Family ~~Health and~~  
23 ~~Rehabilitative~~ Services or agency facilities. Under no  
24 circumstance shall the committee have access to confidential  
25 adoption records in accordance with the provisions of ss.  
26 39.0132 ~~39.411~~, 63.022, and 63.162. Upon completion of a  
27 general investigation of practices and procedures of the  
28 Department of Children and Family ~~Health and Rehabilitative~~  
29 Services, the committee shall report its findings to that  
30 department.

31

1           Section 111. Paragraph (a) of subsection (8) of  
2 section 402.166, Florida Statutes, is amended to read:

3           402.166 District human rights advocacy committees;  
4 confidential records and meetings.--

5           (8)(a) In the performance of its duties, a district  
6 human rights advocacy committee shall have:

7           1. Access to all client records, files, and reports  
8 from any program, service, or facility that is operated,  
9 funded, licensed, or regulated by the Department of Children  
10 and Family ~~Health and Rehabilitative~~ Services and any records  
11 which are material to its investigation and which are in the  
12 custody of any other agency or department of government. The  
13 committee's investigation or monitoring shall not impede or  
14 obstruct matters under investigation by law enforcement or  
15 judicial authorities. Access shall not be granted if a  
16 specific procedure or prohibition for reviewing records is  
17 required by federal law and regulation which supersedes state  
18 law. Access shall not be granted to the records of a private  
19 licensed practitioner who is providing services outside  
20 agencies and facilities and whose client is competent and  
21 refuses disclosure.

22           2. Standing to petition the circuit court for access  
23 to client records which are confidential as specified by law.  
24 The petition shall state the specific reasons for which the  
25 committee is seeking access and the intended use of such  
26 information. The court may authorize committee access to such  
27 records upon a finding that such access is directly related to  
28 an investigation regarding the possible deprivation of  
29 constitutional or human rights or the abuse of a client.  
30 Original client files, records, and reports shall not be  
31 removed from Department of Children and Family ~~Health and~~



1 ~~Rehabilitative~~ Services or agency facilities. Upon no  
2 circumstances shall the committee have access to confidential  
3 adoption records in accordance with the provisions of ss.  
4 39.0132 ~~39.411~~, 63.022, and 63.162. Upon completion of a  
5 general investigation of practices and procedures of the  
6 Department of Children and Family ~~Health and Rehabilitative~~  
7 Services, the committee shall report its findings to that  
8 department.

9           Section 112. Section 409.1672, Florida Statutes, is  
10 amended to read:

11           409.1672 Incentives for department employees.--In  
12 order to promote accomplishing the goal of family  
13 preservation, family reunification, or permanent placement of  
14 a child in an adoptive home, the department may, pursuant to  
15 s. 110, chapter 92-142, Laws of Florida, or subsequent  
16 legislative authority and within existing resources, develop  
17 monetary performance incentives such as bonuses, salary  
18 increases, and educational enhancements for department  
19 employees engaged in positions and activities related to the  
20 child welfare system under chapter 39, ~~chapter 415~~, or this  
21 chapter who demonstrate outstanding work in these areas.

22           Section 113. Subsection (8) and paragraph (c) of  
23 subsection (9) of section 409.176, Florida Statutes, are  
24 amended to read:

25           409.176 Registration of residential child-caring  
26 agencies and family foster homes.--

27           (8) The provisions of chapters 39 ~~415~~ and 827  
28 regarding child abuse, abandonment, and neglect and the  
29 provisions of s. 409.175 and chapter 435 regarding screening  
30 apply to any facility registered under this section.

31

1           (9) The qualified association may deny, suspend, or  
2 revoke the registration of a Type II facility which:

3           (c) Violates the provisions of chapter 39 415 or  
4 chapter 827 regarding child abuse, abandonment, and neglect or  
5 the provisions of s. 409.175 or chapter 435 regarding  
6 screening.

7  
8 The qualified association shall notify the department within  
9 10 days of the suspension or revocation of the registration of  
10 any Type II facility registered under this section.

11           Section 114. Paragraph (b) of subsection (10) of  
12 section 409.2554, Florida Statutes, is amended to read:

13           409.2554 Definitions.--As used in ss.  
14 409.2551-409.2598, the term:

15           (10) "Support" means:

16           (b) Support for a child who is placed under the  
17 custody of someone other than the custodial parent pursuant to  
18 s. 39.508 ~~39.41~~.

19           Section 115. Section 409.2577, Florida Statutes, is  
20 amended to read:

21           409.2577 Parent locator service.--The department shall  
22 establish a parent locator service to assist in locating  
23 parents who have deserted their children and other persons  
24 liable for support of dependent children. The department  
25 shall use all sources of information available, including the  
26 Federal Parent Locator Service, and may request and shall  
27 receive information from the records of any person or the  
28 state or any of its political subdivisions or any officer  
29 thereof. Any agency as defined in s. 120.52, any political  
30 subdivision, and any other person shall, upon request, provide  
31 the department any information relating to location, salary,

1 insurance, social security, income tax, and employment history  
2 necessary to locate parents who owe or potentially owe a duty  
3 of support pursuant to Title IV-D of the Social Security Act.  
4 This provision shall expressly take precedence over any other  
5 statutory nondisclosure provision which limits the ability of  
6 an agency to disclose such information, except that law  
7 enforcement information as provided in s. 119.07(3)(i) is not  
8 required to be disclosed, and except that confidential  
9 taxpayer information possessed by the Department of Revenue  
10 shall be disclosed only to the extent authorized in s.  
11 213.053(15). Nothing in this section requires the disclosure  
12 of information if such disclosure is prohibited by federal  
13 law. Information gathered or used by the parent locator  
14 service is confidential and exempt from the provisions of s.  
15 119.07(1). Additionally, the department is authorized to  
16 collect any additional information directly bearing on the  
17 identity and whereabouts of a person owing or asserted to be  
18 owing an obligation of support for a dependent child.  
19 Information gathered or used by the parent locator service is  
20 confidential and exempt from the provisions of s. 119.07(1).  
21 The department may make such information available only to  
22 public officials and agencies of this state; political  
23 subdivisions of this state; the custodial parent, legal  
24 guardian, attorney, or agent of the child; and other states  
25 seeking to locate parents who have deserted their children and  
26 other persons liable for support of dependents, for the sole  
27 purpose of establishing, modifying, or enforcing their  
28 liability for support, and shall make such information  
29 available to the Department of Children and Family Services  
30 for the purpose of diligent search activities pursuant to  
31 chapter 39. If the department has reasonable evidence of

1 domestic violence or child abuse and the disclosure of  
2 information could be harmful to the custodial parent or the  
3 child of such parent, the child support program director or  
4 designee shall notify the Department of Children and Family  
5 Services and the Secretary of the United States Department of  
6 Health and Human Services of this evidence. Such evidence is  
7 sufficient grounds for the department to disapprove an  
8 application for location services.

9 Section 116. Paragraph (a) of subsection (1) of  
10 section 409.9126, Florida Statutes, is amended to read:

11 409.9126 Children with special health care needs.--

12 (1) As used in this section:

13 (a) "Children's Medical Services network" means an  
14 alternative service network that includes health care  
15 providers and health care facilities specified in chapter 391  
16 and ss. 39.303, 383.15-383.21, and 383.216, ~~and 415.5055~~.

17 Section 117. Paragraph (f) of subsection (5) of  
18 section 414.065, Florida Statutes, is amended to read:

19 414.065 Work requirements.--

20 (5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR  
21 CHILDREN; PROTECTIVE PAYEES.--

22 (f) If the department is unable to designate a  
23 qualified protective payee or authorized representative, a  
24 referral shall be made under the provisions of chapter 39 ~~415~~  
25 for protective intervention.

26 Section 118. Section 415.5076, Florida Statutes, is  
27 created to read:

28 415.5076 Definitions of terms used in ss.

29 415.5077-415.5089.--As used in ss. 415.5077-415.5089:

30 (1) "Guardian ad litem" as referred to in any civil or  
31 criminal proceeding includes the following: a certified

1 guardian ad litem program, a duly certified volunteer, a staff  
2 attorney, contract attorney, or certified pro bono attorney  
3 working on behalf of a guardian ad litem or the program; staff  
4 members of a program office; a court-appointed attorney; or a  
5 responsible adult who is appointed by the court to represent  
6 the best interests of a child in a proceeding as provided for  
7 by law, including, but not limited to, chapter 39 and this  
8 chapter, who is a party to any judicial proceeding as a  
9 representative of the child, and who serves until discharged  
10 by the court.

11 (2) "Guardian advocate" means a person appointed by  
12 the court to act on behalf of a drug dependent newborn  
13 pursuant to the provisions in ss. 415.5082-415.5089.

14 Section 119. Section 415.5082, Florida Statutes, is  
15 amended to read:

16 415.5082 Guardian advocates for drug dependent  
17 newborns.--The Legislature finds that increasing numbers of  
18 drug dependent children are born in this state. Because of  
19 the parents' continued dependence upon drugs, the parents may  
20 temporarily leave their child with a relative or other adult  
21 or may have agreed to voluntary family services under s.  
22 39.301(8)~~415.505(1)(e)~~. The relative or other adult may be  
23 left with a child who is likely to require medical treatment  
24 but for whom they are unable to obtain medical treatment. The  
25 purpose of this section is to provide an expeditious method  
26 for such relatives or other responsible adults to obtain a  
27 court order which allows them to provide consent for medical  
28 treatment and otherwise advocate for the needs of the child  
29 and to provide court review of such authorization.

30 Section 120. Paragraph (a) of subsection (1) of  
31 section 415.5087, Florida Statutes, is amended to read:

1           415.5087 Grounds for appointment of a guardian  
2 advocate.--

3           (1) The court shall appoint the person named in the  
4 petition as a guardian advocate with all the powers and duties  
5 specified in s. 415.5088 for an initial term of 1 year upon a  
6 finding that:

7           (a) The child named in the petition is or was a drug  
8 dependent newborn as described in s. 39.01(30)(a)2.  
9 ~~415.503(10)(a)2.;~~

10           Section 121. Section 435.045, Florida Statutes, is  
11 created to read:

12           435.045 Requirements for prospective foster or  
13 adoptive parents.--

14           (1) Unless an election provided for in subsection (2)  
15 is made with respect to the state, the department shall  
16 conduct criminal records checks equivalent to the level 2  
17 screening required in s. 435.04(1) for any prospective foster  
18 or adoptive parent before the foster or adoptive parent may be  
19 finally approved for placement of a child on whose behalf  
20 foster care maintenance payments or adoption assistance  
21 payments under s. 471 of the Social Security Act, 42 U.S.C.  
22 671, are to be made. Approval shall not be granted:

23           (a) In any case in which a record check reveals a  
24 felony conviction for child abuse, abandonment, or neglect;  
25 for spousal abuse; for a crime against children, including  
26 child pornography, or for a crime involving violence,  
27 including rape, sexual assault, or homicide but not including  
28 other physical assault or battery, if the department finds  
29 that a court of competent jurisdiction has determined that the  
30 felony was committed at any time; and

31

1           (b) In any case in which a record check reveals a  
2 felony conviction for physical assault, battery, or a  
3 drug-related offense, if the department finds that a court of  
4 competent jurisdiction has determined that the felony was  
5 committed within the past 5 years.

6           (2) For purposes of this section, and ss. 39.401(3)  
7 and 39.508(9)(b) and (10)(a), the department and its  
8 authorized agents or contract providers are hereby designated  
9 a criminal justice agency for the purposes of accessing  
10 criminal justice information, including National Crime  
11 Information Center information, to be used for enforcing  
12 Florida's laws concerning the crimes of child abuse,  
13 abandonment, and neglect. This information shall be used  
14 solely for purposes supporting the detection, apprehension,  
15 prosecution, pretrial release, posttrial release, or  
16 rehabilitation of criminal offenders or persons accused of the  
17 crimes of child abuse, abandonment, or neglect and shall not  
18 be further disseminated or used for any other purposes.

19           (3) Subsection (2) shall not apply if the Governor has  
20 notified the Secretary of the United States Department of  
21 Health and Human Services in writing that the state has  
22 elected to make subsection (2) inapplicable to the state, or  
23 if the Legislature, by law, has elected to make subsection (2)  
24 inapplicable to the state.

25           Section 122. Section 447.401, Florida Statutes, is  
26 amended to read:

27           447.401 Grievance procedures.--Each public employer  
28 and bargaining agent shall negotiate a grievance procedure to  
29 be used for the settlement of disputes between employer and  
30 employee, or group of employees, involving the interpretation  
31 or application of a collective bargaining agreement. Such

1 grievance procedure shall have as its terminal step a final  
2 and binding disposition by an impartial neutral, mutually  
3 selected by the parties; however, when the issue under appeal  
4 is an allegation of abuse, abandonment, or neglect by an  
5 employee under s. 39.201 or s. 415.1075 ~~or s. 415.504~~, the  
6 grievance may not be decided until the abuse, abandonment, or  
7 neglect of a child has been judicially determined or until a  
8 confirmed report of abuse or neglect of a disabled adult or  
9 elderly person has been upheld pursuant to the procedures for  
10 appeal in ~~s. 415.1075 and 415.504~~. However, an arbiter or  
11 other neutral shall not have the power to add to, subtract  
12 from, modify, or alter the terms of a collective bargaining  
13 agreement. If an employee organization is certified as the  
14 bargaining agent of a unit, the grievance procedure then in  
15 existence may be the subject of collective bargaining, and any  
16 agreement which is reached shall supersede the previously  
17 existing procedure. All public employees shall have the right  
18 to a fair and equitable grievance procedure administered  
19 without regard to membership or nonmembership in any  
20 organization, except that certified employee organizations  
21 shall not be required to process grievances for employees who  
22 are not members of the organization. A career service  
23 employee shall have the option of utilizing the civil service  
24 appeal procedure, an unfair labor practice procedure, or a  
25 grievance procedure established under this section, but such  
26 employee is precluded from availing himself or herself to more  
27 than one of these procedures.

28 Section 123. Paragraph (d) of subsection (1) of  
29 section 464.018, Florida Statutes, is amended to read:

30 464.018 Disciplinary actions.--

31



1           (1) The following acts shall be grounds for  
2 disciplinary action set forth in this section:

3           (d) Being found guilty, regardless of adjudication, of  
4 any of the following offenses:

5           1. A forcible felony as defined in chapter 776.

6           2. A violation of chapter 812, relating to theft,  
7 robbery, and related crimes.

8           3. A violation of chapter 817, relating to fraudulent  
9 practices.

10          4. A violation of chapter 800, relating to lewdness  
11 and indecent exposure.

12          5. A violation of chapter 784, relating to assault,  
13 battery, and culpable negligence.

14          6. A violation of chapter 827, relating to child  
15 abuse.

16          7. A violation of chapter 415, relating to protection  
17 from abuse, neglect, and exploitation.

18          8. A violation of chapter 39, relating to child abuse,  
19 abandonment, and neglect.

20           Section 124. Paragraph (a) of subsection (2) of  
21 section 490.014, Florida Statutes, is amended to read:

22           490.014 Exemptions.--

23           (2) No person shall be required to be licensed or  
24 provisionally licensed under this chapter who:

25           (a) Is a salaried employee of a government agency;  
26 developmental services program, mental health, alcohol, or  
27 drug abuse facility operating pursuant to chapter 393, chapter  
28 394, or chapter 397; subsidized child care program, subsidized  
29 child care case management program, or child care resource and  
30 referral program operating pursuant to chapter 402;  
31 child-placing or child-caring agency licensed pursuant to

1 chapter 409; domestic violence center certified pursuant to  
2 chapter 39 ~~415~~; accredited academic institution; or research  
3 institution, if such employee is performing duties for which  
4 he or she was trained and hired solely within the confines of  
5 such agency, facility, or institution.

6 Section 125. Paragraph (a) of subsection (4) of  
7 section 491.014, Florida Statutes, is amended to read:

8 491.014 Exemptions.--

9 (4) No person shall be required to be licensed,  
10 provisionally licensed, registered, or certified under this  
11 chapter who:

12 (a) Is a salaried employee of a government agency;  
13 developmental services program, mental health, alcohol, or  
14 drug abuse facility operating pursuant to chapter 393, chapter  
15 394, or chapter 397; subsidized child care program, subsidized  
16 child care case management program, or child care resource and  
17 referral program operating pursuant to chapter 402;  
18 child-placing or child-caring agency licensed pursuant to  
19 chapter 409; domestic violence center certified pursuant to  
20 chapter 39 ~~415~~; accredited academic institution; or research  
21 institution, if such employee is performing duties for which  
22 he or she was trained and hired solely within the confines of  
23 such agency, facility, or institution.

24 Section 126. Paragraph (b) of subsection (3) of  
25 section 741.30, Florida Statutes, is amended to read:

26 741.30 Domestic violence; injunction; powers and  
27 duties of court and clerk; petition; notice and hearing;  
28 temporary injunction; issuance of injunction; statewide  
29 verification system; enforcement.--

30 (3)

31

1 (b) The sworn petition shall be in substantially the  
2 following form:

3  
4 PETITION FOR  
5 INJUNCTION FOR PROTECTION  
6 AGAINST DOMESTIC VIOLENCE  
7

8 Before me, the undersigned authority, personally appeared  
9 Petitioner ...(Name)..., who has been sworn and says that the  
10 following statements are true:

11 (a) Petitioner resides at: ...(address)...

12 (Petitioner may furnish address to the court in a  
13 separate confidential filing if, for safety reasons, the  
14 petitioner requires the location of the current residence to  
15 be confidential.)

16 (b) Respondent resides at: ...(last known address)...

17 (c) Respondent's last known place of employment:  
18 ...(name of business and address)...

19 (d) Physical description of respondent: ....

20 Race....

21 Sex....

22 Date of birth....

23 Height....

24 Weight....

25 Eye color....

26 Hair color....

27 Distinguishing marks or scars....

28 (e) Aliases of respondent: ....

29 (f) Respondent is the spouse or former spouse of the  
30 petitioner or is any other person related by blood or marriage  
31 to the petitioner or is any other person who is or was

1 residing within a single dwelling unit with the petitioner, as  
2 if a family, or is a person with whom the petitioner has a  
3 child in common, regardless of whether the petitioner and  
4 respondent are or were married or residing together, as if a  
5 family.

6 (g) The following describes any other cause of action  
7 currently pending between the petitioner and respondent: .....  
8 .....

9 The petitioner should also describe any previous or  
10 pending attempts by the petitioner to obtain an injunction for  
11 protection against domestic violence in this or any other  
12 circuit, and the results of that attempt.....

13 .....

14 Case numbers should be included if available.

15 (h) Petitioner has suffered or has reasonable cause to  
16 fear imminent domestic violence because respondent has: .....

17 (i) Petitioner alleges the following additional  
18 specific facts: (mark appropriate sections)

19 ....Petitioner is the custodian of a minor child or  
20 children whose names and ages are as follows: .....

21 ....Petitioner needs the exclusive use and possession  
22 of the dwelling that the parties share.

23 ....Petitioner is unable to obtain safe alternative  
24 housing because: .....

25 ....Petitioner genuinely fears that respondent  
26 imminently will abuse, remove, or hide the minor child or  
27 children from petitioner because: .....

28 .....

29 (j) Petitioner genuinely fears imminent domestic  
30 violence by respondent.

31

1           (k) Petitioner seeks an injunction: (mark appropriate  
2 section or sections)  
3           ....Immediately restraining the respondent from  
4 committing any acts of domestic violence.  
5           ....Restraining the respondent from committing any acts  
6 of domestic violence.  
7           ....Awarding to the petitioner the temporary exclusive  
8 use and possession of the dwelling that the parties share or  
9 excluding the respondent from the residence of the petitioner.  
10          ....Awarding temporary custody of, or temporary  
11 visitation rights with regard to, the minor child or children  
12 of the parties, or prohibiting or limiting visitation to that  
13 which is supervised by a third party.  
14          ....Establishing temporary support for the minor child  
15 or children or the petitioner.  
16          ....Directing the respondent to participate in a  
17 batterers' intervention program or other treatment pursuant to  
18 s. 39.901 ~~415-601~~.  
19          ....Providing any terms the court deems necessary for  
20 the protection of a victim of domestic violence, or any minor  
21 children of the victim, including any injunctions or  
22 directives to law enforcement agencies.  
23          Section 127. Subsection (3) of section 744.309,  
24 Florida Statutes, is amended to read:  
25          744.309 Who may be appointed guardian of a resident  
26 ward.--  
27          (3) DISQUALIFIED PERSONS.--No person who has been  
28 convicted of a felony or who, from any incapacity or illness,  
29 is incapable of discharging the duties of a guardian, or who  
30 is otherwise unsuitable to perform the duties of a guardian,  
31 shall be appointed to act as guardian. Further, no person who

1 has been judicially determined to have committed abuse,  
2 abandonment, or neglect against a child as defined in s.  
3 ~~39.01(2) and (47)~~, or who has a confirmed report of abuse,  
4 neglect, or exploitation which has been uncontested or upheld  
5 pursuant to the provisions of ss. 415.104 and 415.1075 shall  
6 be appointed to act as a guardian. Except as provided in  
7 subsection (5) or subsection (6), a person who provides  
8 substantial services to the proposed ward in a professional or  
9 business capacity, or a creditor of the proposed ward, may not  
10 be appointed guardian and retain that previous professional or  
11 business relationship. A person may not be appointed a  
12 guardian if he or she is in the employ of any person, agency,  
13 government, or corporation that provides service to the  
14 proposed ward in a professional or business capacity, except  
15 that a person so employed may be appointed if he or she is the  
16 spouse, adult child, parent, or sibling of the proposed ward  
17 or the court determines that the potential conflict of  
18 interest is insubstantial and that the appointment would  
19 clearly be in the proposed ward's best interest. The court  
20 may not appoint a guardian in any other circumstance in which  
21 a conflict of interest may occur.

22 Section 128. Section 784.075, Florida Statutes, is  
23 amended to read:

24 784.075 Battery on detention or commitment facility  
25 staff.--A person who commits a battery on an intake counselor  
26 or case manager, as defined in s. 984.03(31)~~39.01(34)~~, on  
27 other staff of a detention center or facility as defined in s.  
28 984.03(19)~~39.01(23)~~, or on a staff member of a commitment  
29 facility as defined in s. 985.03(45)~~39.01(59)(c), (d), or~~  
30 ~~(e)~~, commits a felony of the third degree, punishable as  
31 provided in s. 775.082, s. 775.083, or s. 775.084. For

1 purposes of this section, a staff member of the facilities  
2 listed includes persons employed by the Department of Juvenile  
3 Justice, persons employed at facilities licensed by the  
4 Department of Juvenile Justice, and persons employed at  
5 facilities operated under a contract with the Department of  
6 Juvenile Justice.

7 Section 129. Section 933.18, Florida Statutes, is  
8 amended to read:

9 933.18 When warrant may be issued for search of  
10 private dwelling.--No search warrant shall issue under this  
11 chapter or under any other law of this state to search any  
12 private dwelling occupied as such unless:

13 (1) It is being used for the unlawful sale,  
14 possession, or manufacture of intoxicating liquor;

15 (2) Stolen or embezzled property is contained therein;

16 (3) It is being used to carry on gambling;

17 (4) It is being used to perpetrate frauds and  
18 swindles;

19 (5) The law relating to narcotics or drug abuse is  
20 being violated therein;

21 (6) A weapon, instrumentality, or means by which a  
22 felony has been committed, or evidence relevant to proving  
23 said felony has been committed, is contained therein;

24 (7) One or more of the following misdemeanor child  
25 abuse offenses is being committed there:

26 (a) Interference with custody, in violation of s.  
27 787.03.

28 (b) Commission of an unnatural and lascivious act with  
29 a child, in violation of s. 800.02.

30 (c) Exposure of sexual organs to a child, in violation  
31 of s. 800.03.

1           (8) It is in part used for some business purpose such  
2 as a store, shop, saloon, restaurant, hotel, or boardinghouse,  
3 or lodginghouse;

4           (9) It is being used for the unlawful sale,  
5 possession, or purchase of wildlife, saltwater products, or  
6 freshwater fish being unlawfully kept therein; or

7           (10) The laws in relation to cruelty to animals have  
8 been or are being violated therein, except that no search  
9 pursuant to such a warrant shall be made in any private  
10 dwelling after sunset and before sunrise unless specially  
11 authorized by the judge issuing the warrant, upon a showing of  
12 probable cause. Property relating to the violation of such  
13 laws may be taken on a warrant so issued from any private  
14 dwelling in which it is concealed or from the possession of  
15 any person therein by whom it shall have been used in the  
16 commission of such offense or from any person therein in whose  
17 possession it may be.

18  
19 If, during a search pursuant to a warrant issued under this  
20 section, a child is discovered and appears to be in imminent  
21 danger, the law enforcement officer conducting such search may  
22 remove the child from the private dwelling and take the child  
23 into protective custody pursuant to chapter 39 ~~s. 415.506~~.

24 The term "private dwelling" shall be construed to include the  
25 room or rooms used and occupied, not transiently but solely as  
26 a residence, in an apartment house, hotel, boardinghouse, or  
27 lodginghouse. No warrant shall be issued for the search of  
28 any private dwelling under any of the conditions hereinabove  
29 mentioned except on sworn proof by affidavit of some  
30 creditable witness that he or she has reason to believe that

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1 one of said conditions exists, which affidavit shall set forth  
2 the facts on which such reason for belief is based.

3 Section 130. Subsection (10) of section 943.045,  
4 Florida Statutes, is amended to read:

5 943.045 Definitions; ss. 943.045-943.08.--The  
6 following words and phrases as used in ss. 943.045-943.08  
7 shall have the following meanings:

8 (10) "Criminal justice agency" means:

9 (a) A court.

10 (b) The department.

11 (c) The Department of Juvenile Justice.

12 (d) The Department of Children and and Family  
13 Services.

14 (e)~~(d)~~ Any other governmental agency or subunit  
15 thereof which performs the administration of criminal justice  
16 pursuant to a statute or rule of court and which allocates a  
17 substantial part of its annual budget to the administration of  
18 criminal justice.

19 Section 131. Section 944.401, Florida Statutes, is  
20 amended to read:

21 944.401 Escapes from secure detention or residential  
22 commitment facility.--An escape from any secure detention  
23 facility maintained for the temporary detention of children,  
24 pending adjudication, disposition, or placement; an escape  
25 from any residential commitment facility defined in s.  
26 985.03(45)~~39-01(59)~~, maintained for the custody, treatment,  
27 punishment, or rehabilitation of children found to have  
28 committed delinquent acts or violations of law; or an escape  
29 from lawful transportation thereto or therefrom constitutes  
30 escape within the intent and meaning of s. 944.40 and is a  
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1 felony of the third degree, punishable as provided in s.  
2 775.082, s. 775.083, or s. 775.084.

3 Section 132. Subsection (3) of section 944.705,  
4 Florida Statutes, is amended to read:

5 944.705 Release orientation program.--

6 (3) Any inmate who claims to be a victim of domestic  
7 violence as defined in s. 741.28 shall receive, as part of the  
8 release orientation program, referral to the nearest domestic  
9 violence center certified under part X of chapter 39 ss.  
10 ~~415.601-415.608~~.

11 Section 133. Subsections (2) and (41) of section  
12 984.03, Florida Statutes, as amended by chapter 97-276, Laws  
13 of Florida, are amended to read:

14 984.03 Definitions.--When used in this chapter, the  
15 term:

16 (2) "Abuse" means any willful act that results in any  
17 physical, mental, or sexual injury that causes or is likely to  
18 cause the child's physical, mental, or emotional health to be  
19 significantly impaired. Corporal discipline of a child by a  
20 parent or guardian for disciplinary purposes does not in  
21 itself constitute abuse when it does not result in harm to the  
22 child as defined in s. 39.01 ~~415.503~~.

23 (41) "Parent" means a woman who gives birth to a child  
24 and a man whose consent to the adoption of the child would be  
25 required under s. 63.062(1)(b). If a child has been legally  
26 adopted, the term "parent" means the adoptive mother or father  
27 of the child. The term does not include an individual whose  
28 parental relationship to the child has been legally  
29 terminated, or an alleged or prospective parent, unless the  
30 parental status falls within the terms of either s. 39.503  
31 ~~39.4051(7)~~ or s. 63.062(1)(b).

1           Section 134. Subsection (4) of section 984.10, Florida  
2 Statutes, is amended to read:

3           984.10 Intake.--

4           (4) If the department has reasonable grounds to  
5 believe that the child has been abandoned, abused, or  
6 neglected, it shall proceed pursuant to the provisions of ~~s.~~  
7 ~~415.505~~ and chapter 39.

8           Section 135. Paragraphs (a) and (c) of subsection (3)  
9 of section 984.15, Florida Statutes, are amended to read:

10          984.15 Petition for a child in need of services.--

11          (3)(a) The parent, guardian, or legal custodian may  
12 file a petition alleging that a child is a child in need of  
13 services if:

14           1. The department waives the requirement for a case  
15 staffing committee.

16           2. The department fails to convene a meeting of the  
17 case staffing committee within 7 days, excluding weekends and  
18 legal holidays, after receiving a written request for such a  
19 meeting from the child's parent, guardian, or legal custodian.

20           3. The parent, guardian, or legal custodian does not  
21 agree with the plan for services offered by the case staffing  
22 committee.

23           4. The department fails to provide a written report  
24 within 7 days after the case staffing committee meets, as  
25 required under s. 984.12(8)~~39.426(8)~~.

26          (c) The petition must be in writing and must set forth  
27 specific facts alleging that the child is a child in need of  
28 services as defined in s. 984.03(9)~~39.01~~. The petition must  
29 also demonstrate that the parent, guardian, or legal custodian  
30 has in good faith, but unsuccessfully, participated in the

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1 services and processes described in ss. 984.11 and 984.12  
2 ~~39.424 and 39.426~~.

3 Section 136. Section 984.24, Florida Statutes, is  
4 amended to read:

5 984.24 Appeal.--The state, any child, or the family,  
6 guardian ad litem, or legal custodian of any child who is  
7 affected by an order of the court pursuant to this chapter  
8 ~~part~~ may appeal to the appropriate district court of appeal  
9 within the time and in the manner prescribed by the Florida  
10 Rules of Appellate Procedure and pursuant to s. 39.510 ~~39.413~~.

11 Section 137. Subsection (42) of section 985.03,  
12 Florida Statutes, as amended by chapter 97-276, Laws of  
13 Florida, is amended to read:

14 985.03 Definitions.--When used in this chapter, the  
15 term:

16 (42) "Parent" means a woman who gives birth to a child  
17 and a man whose consent to the adoption of the child would be  
18 required under s. 63.062(1)(b). If a child has been legally  
19 adopted, the term "parent" means the adoptive mother or father  
20 of the child. The term does not include an individual whose  
21 parental relationship to the child has been legally  
22 terminated, or an alleged or prospective parent, unless the  
23 parental status falls within the terms of either s. 39.503  
24 ~~39.4051(7)~~ or s. 63.062(1)(b).

25 Section 138. Paragraph (c) of subsection (4) of  
26 section 985.303, Florida Statutes, is amended to read:

27 985.303 Neighborhood restorative justice.--

28 (4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.--

29 (c) The board shall require the parent or legal  
30 guardian of the juvenile who is referred to a Neighborhood  
31 Restorative Justice Center to appear with the juvenile before

1 the board at the time set by the board. In scheduling board  
2 meetings, the board shall be cognizant of a parent's or legal  
3 guardian's other obligations. The failure of a parent or  
4 legal guardian to appear at the scheduled board meeting with  
5 his or her child or ward may be considered by the juvenile  
6 court as an act of child neglect as defined by s. 39.01  
7 ~~415.503(3)~~, and the board may refer the matter to the  
8 Department of Children and Family Services for investigation  
9 under the provisions of chapter 39 ~~415~~.

10 Section 139. Sections 39.0195, 39.0196, 39.39, 39.403,  
11 39.4032, 39.4052, 39.4053, 39.449, 39.45, 39.457, 39.459,  
12 39.4625, 39.472, 39.475, 415.501, 415.5015, 415.5016,  
13 415.50165, 415.5017, 415.50175, 415.5018, 415.50185, 415.5019,  
14 415.502, 415.503, 415.505, 415.506, 415.5075, 415.509, and  
15 415.514, Florida Statutes, are repealed.

16 Section 140. This act shall take effect July 1 of the  
17 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 certain pilot and demonstration projects contingent upon receipt of federal grants and contracts. Provides for a foster care privatization project. 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.

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