

By the Committee on Family Law & Children and
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,
6 39.002, and 415.501, F.S.; revising purposes
7 and intent; providing for personnel standards
8 and screening and for drug testing; amending s.
9 39.01, F.S.; revising definitions; renumbering
10 and amending s. 39.455, F.S., relating to
11 immunity from liability for agents of the
12 Department of Children and Family Services or a
13 social service agency; amending s. 39.012,
14 F.S., and creating s. 39.0121, F.S.; providing
15 authority and requirements for department
16 rules; renumbering and amending s. 39.40, F.S.,
17 relating to procedures and jurisdiction;
18 providing for right to counsel; renumbering s.
19 39.4057, F.S., relating to permanent mailing
20 address designation; renumbering and amending
21 s. 39.411, F.S., relating to oaths, records,
22 and confidential information; renumbering s.
23 39.414, F.S., relating to court and witness
24 fees; renumbering and amending ss. 39.415 and
25 39.474, F.S., relating to compensation of
26 appointed counsel; renumbering and amending s.
27 39.418, F.S., relating to the Operations and
28 Maintenance Trust Fund; renumbering and
29 amending s. 415.5015, F.S., relating to child
30 abuse prevention training in the district
31 school system; providing for pt. II of ch. 39,

1 F.S., entitled "Reporting Child Abuse";
2 renumbering and amending s. 415.504, F.S.,
3 relating to mandatory reports of child abuse,
4 abandonment, or neglect; renumbering and
5 amending s. 415.511, F.S., relating to immunity
6 from liability in cases of child abuse,
7 abandonment, or neglect; renumbering and
8 amending s. 415.512, F.S., relating to
9 abrogation of privileged communications in
10 cases of child abuse, abandonment, or neglect;
11 renumbering and amending s. 415.513, F.S.;
12 providing penalties relating to reporting of
13 child abuse, abandonment, or neglect;
14 renumbering and amending s. 415.5131, F.S.,
15 increasing an administrative fine for false
16 reporting; providing for pt. III of ch. 39,
17 F.S., entitled "Protective Investigations";
18 creating s. 39.301, F.S.; providing for child
19 protective investigations; creating s. 39.302,
20 F.S.; providing for protective investigations
21 of institutional child abuse, abandonment, or
22 neglect; renumbering and amending s. 415.5055,
23 F.S., relating to child protection teams and
24 services and eligible cases; creating s.
25 39.3035, F.S.; providing standards for child
26 advocacy centers eligible for state funding;
27 renumbering and amending s. 415.507, F.S.,
28 relating to photographs, medical examinations,
29 X rays, and medical treatment of an abused,
30 abandoned, or neglected child; renumbering and
31 amending s. 415.5095, F.S., relating to a model

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

1 F.S., relating to physical and mental
2 examination and treatment of a child and
3 physical or mental examination of a person
4 requesting custody; renumbering and amending s.
5 39.4033, F.S., relating to referral of a
6 dependency case to mediation; providing for pt.
7 VI of ch. 39, F.S., entitled "Petition,
8 Arraignment, Adjudication, and Disposition";
9 renumbering and amending s. 39.404, F.S.,
10 relating to petition for dependency;
11 renumbering and amending s. 39.405, F.S.,
12 relating to notice, process, and service;
13 renumbering and amending s. 39.4051, F.S.,
14 relating to procedures when the identity or
15 location of the parent, legal custodian, or
16 caregiver is unknown; renumbering and amending
17 s. 39.4055, F.S., relating to injunction
18 pending disposition of a petition for detention
19 or dependency; renumbering and amending s.
20 39.406, F.S., relating to answers to petitions
21 or other pleadings; renumbering and amending s.
22 39.408(1), F.S., relating to arraignment
23 hearings; renumbering and amending ss.
24 39.408(2) and 39.409, F.S., relating to
25 adjudicatory hearings and orders; renumbering
26 and amending ss. 39.408(3) and (4) and 39.41,
27 F.S., relating to disposition hearings and
28 powers of disposition; creating s. 39.5085,
29 F.S.; establishing the Relative Caregiver
30 Program; providing for assistance and services;
31 authorizing certain funding; renumbering and

1 amending s. 39.4105, F.S., relating to
2 grandparents rights; renumbering and amending
3 s. 39.413, F.S., relating to appeals; providing
4 for pt. VII of ch. 39, F.S., entitled "Case
5 Plans"; renumbering and amending ss. 39.4031
6 and 39.451, F.S., relating to case plan
7 requirements and case planning for children in
8 out-of-home care; renumbering and amending s.
9 39.452(1)-(4), F.S., relating to case planning
10 for children in out-of-home care when the
11 parents, legal custodians, or caregivers do not
12 participate; renumbering and amending s.
13 39.452(5), F.S., relating to court approvals of
14 case planning; providing for pt. VIII of ch.
15 39, F.S., entitled "Judicial Reviews";
16 renumbering and amending s. 39.453, F.S.,
17 relating to judicial review of the status of a
18 child; renumbering and amending s. 39.4531,
19 F.S., relating to citizen review panels;
20 renumbering and amending s. 39.454, F.S.,
21 relating to initiation of proceedings for
22 termination of parental rights; renumbering and
23 amending s. 39.456, F.S.; revising exemptions
24 from judicial review; providing for pt. IX of
25 ch. 39, F.S., entitled "Termination of Parental
26 Rights"; renumbering and amending ss. 39.46 and
27 39.462, F.S., relating to procedures,
28 jurisdiction, and service of process;
29 renumbering and amending ss. 39.461 and
30 39.4611, F.S., relating to petition for
31 termination of parental rights, and filing and

1 elements thereof; creating s. 39.803, F.S.;
2 providing procedures when the identity or
3 location of the parent is unknown after filing
4 a petition for termination of parental rights;
5 renumbering s. 39.4627, F.S., relating to
6 penalties for false statements of paternity;
7 renumbering and amending s. 39.463, F.S.,
8 relating to petitions and pleadings for which
9 no answer is required; renumbering and amending
10 s. 39.464, F.S., relating to grounds for
11 termination of paternal rights; renumbering and
12 amending s. 39.465, F.S., relating to right to
13 counsel and appointment of a guardian ad litem;
14 renumbering and amending s. 39.466, F.S.,
15 relating to advisory hearings; renumbering and
16 amending s. 39.467, F.S., relating to
17 adjudicatory hearings; renumbering and amending
18 s. 39.4612, F.S., relating to the manifest best
19 interests of the child; renumbering and
20 amending s. 39.469, F.S., relating to powers of
21 disposition and order of disposition;
22 renumbering and amending s. 39.47, F.S.,
23 relating to post disposition relief; creating
24 s. 39.813, F.S.; providing for continuing
25 jurisdiction of the court which terminates
26 parental rights over all matters pertaining to
27 the child's adoption; renumbering s. 39.471,
28 F.S., relating to oaths, records, and
29 confidential information; renumbering and
30 amending s. 39.473, F.S., relating to appeal;
31 creating s. 39.816, F.S.; authorizing certain

1 pilot and demonstration projects contingent on
2 receipt of federal grants or contracts;
3 creating s. 39.817, F.S.; providing for a
4 foster care demonstration pilot project;
5 providing for pt. X of ch. 39, F.S., entitled
6 "Guardians Ad Litem and Guardian Advocates";
7 creating s. 39.820, F.S.; providing
8 definitions; renumbering s. 415.5077, F.S.,
9 relating to qualifications of guardians ad
10 litem; renumbering and amending s. 415.508,
11 F.S., relating to appointment of a guardian ad
12 litem for an abused, abandoned, or neglected
13 child; renumbering and amending s. 415.5082,
14 F.S., relating to guardian advocates for drug
15 dependent newborns; renumbering and amending s.
16 415.5083, F.S., relating to procedures and
17 jurisdiction; renumbering s. 415.5084, F.S.,
18 relating to petition for appointment of a
19 guardian advocate; renumbering s. 415.5085,
20 F.S., relating to process and service;
21 renumbering and amending s. 415.5086, F.S.,
22 relating to hearing for appointment of a
23 guardian advocate; renumbering and amending s.
24 415.5087, F.S., relating to grounds for
25 appointment of a guardian advocate; renumbering
26 s. 415.5088, F.S., relating to powers and
27 duties of the guardian advocate; renumbering
28 and amending s. 415.5089, F.S., relating to
29 review and removal of a guardian advocate;
30 providing for pt. XI of ch. 39, F.S., entitled
31 "Domestic Violence"; renumbering s. 415.601,

1 F.S., relating to legislative intent regarding
2 treatment and rehabilitation of victims and
3 perpetrators; renumbering and amending s.
4 415.602, F.S., relating to definitions;
5 renumbering and amending s. 415.603, F.S.,
6 relating to duties and functions of the
7 department; renumbering and amending s.
8 415.604, F.S., relating to an annual report to
9 the Legislature; renumbering and amending s.
10 415.605, F.S., relating to domestic violence
11 centers; renumbering s. 415.606, F.S., relating
12 to referral to such centers and notice of
13 rights; renumbering s. 415.608, F.S., relating
14 to confidentiality of information received by
15 the department or a center; amending ss. 20.43,
16 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036,
17 154.067, 216.136, 232.50, 318.21, 384.29,
18 392.65, 393.063, 395.1023, 400.4174, 400.556,
19 402.165, 402.166, 409.1672, 409.176, 409.2554,
20 409.912, 409.9126, 414.065, 447.401, 464.018,
21 490.014, 491.014, 741.30, 744.309, 784.075,
22 933.18, 944.401, 944.705, 984.03, 984.10,
23 984.15, 984.24, 985.03, and 985.303, F.S.;
24 correcting cross references; conforming related
25 provisions and references; amending s. 20.19,
26 F.S.; providing for certification programs for
27 family safety and preservation employees of the
28 department; providing for rules; amending ss.
29 213.053 and 409.2577, F.S.; authorizing
30 disclosure of certain confidential taxpayer and
31 parent locator information for diligent search

1 activities under ch. 39, F.S.; creating s.
2 435.045, F.S.; providing background screening
3 requirements for prospective foster or adoptive
4 parents; amending s. 943.045, F.S.; providing
5 that the Department of Children and Family
6 Services is a "criminal justice agency" for
7 purposes of the criminal justice information
8 system; repealing s. 39.0195, F.S., relating to
9 sheltering unmarried minors and aiding
10 unmarried runaways; repealing s. 39.0196, F.S.,
11 relating to children locked out of the home;
12 repealing ss. 39.39, 39.449, and 39.459, F.S.,
13 relating to definition of "department";
14 repealing s. 39.403, F.S., relating to
15 protective investigation; repealing s. 39.4032,
16 F.S., relating to multidisciplinary case
17 staffing; repealing s. 39.4052, F.S., relating
18 to affirmative duty of written notice to adult
19 relatives; repealing s. 39.4053, F.S., relating
20 to diligent search after taking a child into
21 custody; repealing s. 39.45, F.S., relating to
22 legislative intent regarding foster care;
23 repealing s. 39.457, F.S., relating to a pilot
24 program in Leon County to provide additional
25 benefits to children in foster care; repealing
26 s. 39.4625, F.S., relating to identity or
27 location of parent unknown after filing of
28 petition for termination of parental rights;
29 repealing s. 39.472, F.S., relating to court
30 and witness fees; repealing s. 39.475, F.S.,
31 relating to rights of grandparents; repealing

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

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Part I of chapter 39, Florida Statutes,
29 consisting of sections 39.001, 39.01, 39.011, 39.012, 39.0121,
30 39.013, 39.0131, 39.0132, 39.0133, 39.0134, and 39.0135,
31 Florida Statutes, shall be entitled to read:

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PART I

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (f)(d) To preserve and strengthen the child's family
27 ties whenever possible, removing the child from parental
28 custody only when his or her welfare or the safety and
29 protection of the public cannot be adequately safeguarded
30 without such removal. ~~and, when the child is removed from his~~
31 ~~or her own family, to secure for the child custody, care, and~~

1 ~~discipline as nearly as possible equivalent to that which~~
2 ~~should have been given by the parents; and to assure, in all~~
3 ~~cases in which a child must be permanently removed from~~
4 ~~parental custody, that the child be placed in an approved~~
5 ~~family home, adoptive home, independent living program, or~~
6 ~~other placement that provides the most stable and permanent~~
7 ~~living arrangement for the child, as determined by the court.~~

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

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

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

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

1 guardianship, or custody to a foster parent or caregiver on a
2 permanent basis with or without legal guardianship.

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

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

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

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

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

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

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

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

28 (b) ~~The department of Juvenile Justice and the~~
29 ~~Department of Children and Family Services~~ shall require
30 employment screening, and rescreening no less frequently than
31 once every 5 years, pursuant to chapter 435, using the level 2

1 standards set forth in that chapter for personnel in programs
2 for children or youths.

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

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

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

19 ~~39.002 Legislative intent.--~~

20 (3)(1) GENERAL PROTECTIONS FOR CHILDREN.--It is a
21 purpose of the Legislature that the children of this state be
22 provided with the following protections:

23 (a) Protection from abuse, abandonment, neglect, and
24 exploitation.

25 (b) A permanent and stable home.

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

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

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

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1 (f) Equal opportunity and access to quality and
2 effective education, which will meet the individual needs of
3 each child, and to recreation and other community resources to
4 develop individual abilities.

5 (g) Access to preventive services.

6 (h) An independent, trained advocate, when
7 intervention is necessary and a skilled guardian or caregiver
8 ~~caretaker~~ in a safe environment when alternative placement is
9 necessary.

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

29 (5)~~(3)~~ PARENTAL, CUSTODIAL, AND GUARDIAN
30 RESPONSIBILITIES.--Parents, custodians, and guardians are
31 deemed by the state to be responsible for providing their

1 children with sufficient support, guidance, and supervision ~~to~~
2 ~~deter their participation in delinquent acts.~~ The state
3 further recognizes that the ability of parents, custodians,
4 and guardians to fulfill those responsibilities can be greatly
5 impaired by economic, social, behavioral, emotional, and
6 related problems. It is therefore the policy of the
7 Legislature that it is the state's responsibility to ensure
8 that factors impeding the ability of caregivers ~~caretakers~~ to
9 fulfill their responsibilities are identified through the
10 dependency delinquency intake process and that appropriate
11 recommendations and services to address those problems are
12 considered in any judicial or nonjudicial proceeding.

13 ~~415.501 Prevention of abuse and neglect of children;~~
14 ~~state plan.~~

15 (6)(1) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,
16 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known
17 child abuse, abandonment,and ~~child~~ neglect has increased
18 rapidly over the past 5 years. The impact that abuse,
19 abandonment,or neglect has on the victimized child, siblings,
20 family structure, and inevitably on all citizens of the state
21 has caused the Legislature to determine that the prevention of
22 child abuse, abandonment,and neglect shall be a priority of
23 this state. To further this end, it is the intent of the
24 Legislature that a comprehensive approach for the prevention
25 of abuse, abandonment,and neglect of children be developed
26 for the state and that this planned, comprehensive approach be
27 used as a basis for funding.

28 (7)(2) PLAN FOR COMPREHENSIVE APPROACH.--

29 (a) The department ~~of Children and Family Services~~
30 shall develop a state plan for the prevention of abuse,
31 abandonment,and neglect of children and shall submit the plan

1 to the Speaker of the House of Representatives, the President
2 of the Senate, and the Governor no later than January 1, 1983.
3 The Department of Education and the Division of Children's
4 Medical Services of the Department of Health shall participate
5 and fully cooperate in the development of the state plan at
6 both the state and local levels. Furthermore, appropriate
7 local agencies and organizations shall be provided an
8 opportunity to participate in the development of the state
9 plan at the local level. Appropriate local groups and
10 organizations shall include, but not be limited to, community
11 mental health centers; guardian ad litem programs for children
12 under the circuit court; the school boards of the local school
13 districts; the district human rights advocacy committees;
14 private or public organizations or programs with recognized
15 expertise in working with children who are sexually abused,
16 physically abused, emotionally abused, abandoned, or neglected
17 and with expertise in working with the families of such
18 children; private or public programs or organizations with
19 expertise in maternal and infant health care;
20 multidisciplinary child protection teams; child day care
21 centers; law enforcement agencies, and the circuit courts,
22 when guardian ad litem programs are not available in the local
23 area. The state plan to be provided to the Legislature and
24 the Governor shall include, as a minimum, the information
25 required of the various groups in paragraph (b).

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

28 1. The department ~~of Children and Family Services~~
29 shall establish an interprogram task force comprised of the
30 Assistant Secretary for Children and Family Services, or a
31 designee, a representative from the Children and Families

1 Program Office, a representative from the Alcohol, Drug Abuse,
2 and Mental Health Program Office, a representative from the
3 Developmental Services Program Office, a representative from
4 the Office of Standards and Evaluation, and a representative
5 from the Division of Children's Medical Services of the
6 Department of Health. Representatives of the Department of
7 Law Enforcement and of the Department of Education shall serve
8 as ex officio members of the interprogram task force. The
9 interprogram task force shall be responsible for:

10 a. Developing a plan of action for better coordination
11 and integration of the goals, activities, and funding
12 pertaining to the prevention of child abuse, abandonment, and
13 neglect conducted by the department in order to maximize staff
14 and resources at the state level. The plan of action shall be
15 included in the state plan.

16 b. Providing a basic format to be utilized by the
17 districts in the preparation of local plans of action in order
18 to provide for uniformity in the district plans and to provide
19 for greater ease in compiling information for the state plan.

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

22 d. Examining the local plans to determine if all the
23 requirements of the local plans have been met and, if they
24 have not, informing the districts of the deficiencies and
25 requesting the additional information needed.

26 e. Preparing the state plan for submission to the
27 Legislature and the Governor. Such preparation shall include
28 the collapsing of information obtained from the local plans,
29 the cooperative plans with the Department of Education, and
30 the plan of action for coordination and integration of
31 departmental activities into one comprehensive plan. The

1 comprehensive plan shall include a section reflecting general
2 conditions and needs, an analysis of variations based on
3 population or geographic areas, identified problems, and
4 recommendations for change. In essence, the plan shall
5 provide an analysis and summary of each element of the local
6 plans to provide a statewide perspective. The plan shall also
7 include each separate local plan of action.

8 f. Working with the specified state agency in
9 fulfilling the requirements of subparagraphs 2., 3., 4., and
10 5.

11 2. The department, the Department of Education, ~~the~~
12 ~~Department of Children and Family Services,~~ and the Department
13 of Health shall work together in developing ways to inform and
14 instruct parents of school children and appropriate district
15 school personnel in all school districts in the detection of
16 child abuse, abandonment, and neglect and in the proper action
17 that should be taken in a suspected case of child abuse, ,
18 abandonment, or neglect, and in caring for a child's needs
19 after a report is made. The plan for accomplishing this end
20 shall be included in the state plan.

21 3. The department, the Department of Law Enforcement,
22 ~~the Department of Children and Family Services,~~ and the
23 Department of Health shall work together in developing ways to
24 inform and instruct appropriate local law enforcement
25 personnel in the detection of child abuse, abandonment, and
26 neglect and in the proper action that should be taken in a
27 suspected case of child abuse, abandonment, or neglect.

28 4. Within existing appropriations, the department ~~of~~
29 ~~Children and Family Services~~ shall work with other appropriate
30 public and private agencies to emphasize efforts to educate
31 the general public about the problem of and ways to detect

1 child abuse, abandonment, and neglect and in the proper action
2 that should be taken in a suspected case of child abuse,
3 abandonment, or neglect. The plan for accomplishing this end
4 shall be included in the state plan.

5 5. The department, the Department of Education, ~~the~~
6 ~~Department of Children and Family Services~~, and the Department
7 of Health shall work together on the enhancement or adaptation
8 of curriculum materials to assist instructional personnel in
9 providing instruction through a multidisciplinary approach on
10 the identification, intervention, and prevention of child
11 abuse, abandonment, and neglect. The curriculum materials
12 shall be geared toward a sequential program of instruction at
13 the four progressional levels, K-3, 4-6, 7-9, and 10-12.
14 Strategies for encouraging all school districts to utilize the
15 curriculum are to be included in the comprehensive state plan
16 for the prevention of child abuse, abandonment, and ~~child~~
17 neglect.

18 6. Each district of the department ~~of Children and~~
19 ~~Family Services~~ shall develop a plan for its specific
20 geographical area. The plan developed at the district level
21 shall be submitted to the interprogram task force for
22 utilization in preparing the state plan. The district local
23 plan of action shall be prepared with the involvement and
24 assistance of the local agencies and organizations listed in
25 paragraph (a), as well as representatives from those
26 departmental district offices participating in the treatment
27 and prevention of child abuse, abandonment, and neglect. In
28 order to accomplish this, the district administrator in each
29 district shall establish a task force on the prevention of
30 child abuse, abandonment, and neglect. The district
31 administrator shall appoint the members of the task force in

1 accordance with the membership requirements of this section.
2 In addition, the district administrator shall ensure that each
3 subdistrict is represented on the task force; and, if the
4 district does not have subdistricts, the district
5 administrator shall ensure that both urban and rural areas are
6 represented on the task force. The task force shall develop a
7 written statement clearly identifying its operating
8 procedures, purpose, overall responsibilities, and method of
9 meeting responsibilities. The district plan of action to be
10 prepared by the task force shall include, but shall not be
11 limited to:

12 a. Documentation of the magnitude of the problems of
13 child abuse, including sexual abuse, physical abuse, and
14 emotional abuse, and child abandonment and neglect in its
15 geographical area.

16 b. A description of programs currently serving abused,
17 abandoned, and neglected children and their families and a
18 description of programs for the prevention of child abuse,
19 abandonment, and neglect, including information on the impact,
20 cost-effectiveness, and sources of funding of such programs.

21 c. A continuum of programs and services necessary for
22 a comprehensive approach to the prevention of all types of
23 child abuse, abandonment, and neglect as well as a brief
24 description of such programs and services.

25 d. A description, documentation, and priority ranking
26 of local needs related to child abuse, abandonment, and
27 neglect prevention based upon the continuum of programs and
28 services.

29 e. A plan for steps to be taken in meeting identified
30 needs, including the coordination and integration of services
31 to avoid unnecessary duplication and cost, and for alternative

1 funding strategies for meeting needs through the reallocation
2 of existing resources, utilization of volunteers, contracting
3 with local universities for services, and local government or
4 private agency funding.

5 f. A description of barriers to the accomplishment of
6 a comprehensive approach to the prevention of child abuse,
7 abandonment, and neglect.

8 g. Recommendations for changes that can be
9 accomplished only at the state program level or by legislative
10 action.

11 (8)~~(3)~~ FUNDING AND SUBSEQUENT PLANS.--

12 (a) All budget requests submitted by the department of
13 ~~Children and Family Services~~, the Department of Education, or
14 any other agency to the Legislature for funding of efforts for
15 the prevention of child abuse, abandonment, and neglect shall
16 be based on the state plan developed pursuant to this section.

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

1 the House of Representatives and the President of the Senate
2 as required above.

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

6 Section 3. Section 415.5015, Florida Statutes, is
7 renumbered as section 39.0015, Florida Statutes, and amended
8 to read:

9 39.0015 ~~415.5015~~ Child abuse prevention training in
10 the district school system.--

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

13 (2) LEGISLATIVE INTENT.--It is the intent of the
14 Legislature that primary prevention training for all children
15 in kindergarten through grade 12 be encouraged in the district
16 school system through the training of school teachers,
17 guidance counselors, parents, and children.

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

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

20 (b) "Child abuse" means those acts as defined in ss.
21 39.01, ~~415.503~~, and 827.04.

22 (c) "Primary prevention and training program" means a
23 training and educational program for children, parents, and
24 teachers which is directed toward preventing the occurrence of
25 child abuse, including sexual abuse, physical abuse, child
26 abandonment, child neglect, and drug and alcohol abuse, and
27 toward reducing the vulnerability of children through training
28 of children and through including coordination with, and
29 training for, parents and school personnel.

30 (d) "Prevention training center" means a center as
31 described in subsection (5).

- 1 (4) PRIMARY PREVENTION AND TRAINING PROGRAM.--A
2 primary prevention and training program shall include all of
3 the following, as appropriate for the persons being trained:
4 (a) Information provided in a clear and nonthreatening
5 manner, describing the problem of sexual abuse, physical
6 abuse, abandonment, neglect, and alcohol and drug abuse, and
7 the possible solutions.
8 (b) Information and training designed to counteract
9 common stereotypes about victims and offenders.
10 (c) Crisis counseling techniques.
11 (d) Available community resources and ways to access
12 those resources.
13 (e) Physical and behavioral indicators of abuse.
14 (f) Rights and responsibilities regarding reporting.
15 (g) School district procedures to facilitate
16 reporting.
17 (h) Caring for a child's needs after a report is made.
18 (i) How to disclose incidents of abuse.
19 (j) Child safety training and age-appropriate
20 self-defense techniques.
21 (k) The right of every child to live free of abuse.
22 (l) The relationship of child abuse to handicaps in
23 young children.
24 (m) Parenting, including communication skills.
25 (n) Normal and abnormal child development.
26 (o) Information on recognizing and alleviating family
27 stress caused by the demands required in caring for a
28 high-risk or handicapped child.
29 (p) Supports needed by school-age parents in caring
30 for a young child.
31

- 1 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION
2 PROCESS; MONITORING AND EVALUATION.--
- 3 (a) Each training center shall perform the following
4 functions:
- 5 1. Act as a clearinghouse to provide information on
6 prevention curricula which meet the requirements of this
7 section and the requirements of ss. 39.001,231.17, and
8 ~~236.0811, and 415.501.~~
- 9 2. Assist the local school district in selecting a
10 prevention program model which meets the needs of the local
11 community.
- 12 3. At the request of the local school district, design
13 and administer training sessions to develop or expand local
14 primary prevention and training programs.
- 15 4. Provide assistance to local school districts,
16 including, but not limited to, all of the following:
17 administration, management, program development, multicultural
18 staffing, and community education, in order to better meet the
19 requirements of this section and of ss. 39.001,231.17, and
20 ~~236.0811, and 415.501.~~
- 21 5. At the request of the department ~~of Education~~ or
22 the local school district, provide ongoing program development
23 and training to achieve all of the following:
- 24 a. Meet the special needs of children, including, but
25 not limited to, the needs of disabled and high-risk children.
- 26 b. Conduct an outreach program to inform the
27 surrounding communities of the existence of primary prevention
28 and training programs and of funds to conduct such programs.
- 29 6. Serve as a resource to the Department of Children
30 and Family Services and its districts.
31

1 (b) The department, in consultation with the
2 Department of Children and Family Health and Rehabilitative
3 Services, shall select and award grants by January 1, 1986,
4 for the establishment of three private, nonprofit prevention
5 training centers: one located in and serving South Florida,
6 one located in and serving Central Florida, and one located in
7 and serving North Florida. The department, in consultation
8 with the Department of Children and Family Health and
9 ~~Rehabilitative~~ Services, shall select an agency or agencies to
10 establish three training centers which can fulfill the
11 requirements of this section and meet the following
12 requirements:

- 13 1. Have demonstrated experience in child abuse
14 prevention training.
- 15 2. Have shown capacity for training primary prevention
16 and training programs as provided for in subsections (3) and
17 ~~defined in subsection~~ (4).
- 18 3. Have provided training and organizing technical
19 assistance to the greatest number of private prevention and
20 training programs.
- 21 4. Have employed the greatest number of trainers with
22 experience in private child abuse prevention and training
23 programs.
- 24 5. Have employed trainers which represent the cultural
25 diversity of the area.
- 26 6. Have established broad community support.

27 (c) The department shall monitor and evaluate primary
28 prevention and training programs utilized in the local school
29 districts and shall monitor and evaluate the impact of the
30 prevention training centers on the implementation of primary
31

1 prevention programs and their ability to meet the required
2 responsibilities of a center as described in this section.

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

7 Section 4. Section 39.01, Florida Statutes, as amended
8 by chapter 97-276, Laws of Florida, is amended to read:

9 39.01 Definitions.--When used in this chapter, unless
10 the context otherwise requires:

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

29 (2) "Abuse" means any willful act or threatened act
30 that results in any physical, mental, or sexual injury or harm
31 that causes or is likely to cause the child's physical,

1 mental, or emotional health to be significantly impaired. For
2 the purpose of protective investigations, abuse of a child
3 includes the acts or omissions of the parent, legal custodian,
4 caregiver, or other person responsible for the child's
5 welfare. Corporal discipline of a child by a parent, legal
6 custodian, or caregiver ~~guardian~~ for disciplinary purposes
7 does not in itself constitute abuse when it does not result in
8 harm to the child ~~as defined in s. 415.503.~~

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

11 (4) "Adjudicatory hearing" means a hearing for the
12 court to determine whether or not the facts support the
13 allegations stated in the petition ~~as is provided for under s.~~
14 ~~39.408(2),~~ in dependency cases, ~~or s. 39.467,~~ in termination
15 of parental rights cases.

16 (5) "Adult" means any natural person other than a
17 child.

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

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

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

28 (b) A child who is alleged to have committed any
29 violation of law or delinquent act involving juvenile sexual
30 abuse. "Juvenile sexual abuse" means any sexual behavior which
31 occurs without consent, without equality, or as a result of

1 coercion. For purposes of this paragraph, the following
2 definitions apply:
3 1. "Coercion" means the exploitation of authority or
4 the use of bribes, threats of force, or intimidation to gain
5 cooperation or compliance.
6 2. "Equality" means two participants operating with
7 the same level of power in a relationship, neither being
8 controlled nor coerced by the other.
9 3. "Consent" means an agreement, including all of the
10 following:
11 a. Understanding what is proposed based on age,
12 maturity, developmental level, functioning, and experience.
13 b. Knowledge of societal standards for what is being
14 proposed.
15 c. Awareness of potential consequences and
16 alternatives.
17 d. Assumption that agreement or disagreement will be
18 accepted equally.
19 e. Voluntary decision.
20 f. Mental competence.
21
22 Juvenile sexual offender behavior ranges from noncontact
23 sexual behavior such as making obscene phone calls,
24 exhibitionism, voyeurism, and the showing or taking of lewd
25 photographs to varying degrees of direct sexual contact, such
26 as frottage, fondling, digital penetration, rape, fellatio,
27 sodomy, and various other sexually aggressive acts.
28 ~~(8)(6)~~ "Arbitration" means a process whereby a neutral
29 third person or panel, called an arbitrator or an arbitration
30 panel, considers the facts and arguments presented by the
31

1 parties and renders a decision which may be binding or
2 nonbinding.

3 (9)~~(7)~~ "Authorized agent" or "designee" of the
4 department means an employee, volunteer, or other person or
5 agency determined by the state to be eligible for state-funded
6 risk management coverage, that is a person or agency assigned
7 or designated by the department of ~~Juvenile Justice or the~~
8 ~~Department of Children and Family Services, as appropriate, to~~
9 perform duties or exercise powers pursuant to this chapter ~~and~~
10 ~~includes contract providers and their employees for purposes~~
11 ~~of providing services to and managing cases of children in~~
12 ~~need of services and families in need of services.~~

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

16 ~~(8)~~ ~~"Caretaker/homemaker" means an authorized agent of~~
17 ~~the Department of Children and Family Services who shall~~
18 ~~remain in the child's home with the child until a parent,~~
19 ~~legal guardian, or relative of the child enters the home and~~
20 ~~is capable of assuming and agrees to assume charge of the~~
21 ~~child.~~

22 (11)~~(9)~~ "Case plan" or "plan" means a document, as
23 described in s. 39.601 ~~39.4031~~, prepared by the department
24 with input from all parties, including parents, guardians ad
25 litem, legal custodians, caregivers, and the child. The case
26 plan, ~~that~~ follows the child from the provision of voluntary
27 services through any dependency, foster care, or termination
28 of parental rights proceeding or related activity or process.

29 (12)~~(10)~~ "Child" or ~~"juvenile" or~~ "youth" means any
30 unmarried person under the age of 18 years who has not been
31 emancipated by order of the court and who has been alleged or

1 found ~~or alleged~~ to be dependent, ~~in need of services, or from~~
2 ~~a family in need of services; or any married or unmarried~~
3 ~~person who is charged with a violation of law occurring prior~~
4 ~~to the time that person reached the age of 18 years.~~

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

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

16 (a) To have been abandoned, abused, or neglected by
17 the child's parent or parents, legal custodians, or
18 caregivers;~~or other custodians.~~

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

23 (c) To have been voluntarily placed with a licensed
24 child-caring agency, a licensed child-placing agency, an adult
25 relative, the department ~~of Children and Family Services~~, or
26 the former Department of Health and Rehabilitative Services,
27 after which placement, under the requirements of ~~part II of~~
28 this chapter, a case plan has expired and the parent or
29 parents, legal custodians, or caregivers have failed to
30 substantially comply with the requirements of the plan;~~;~~

31

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

5 (e) To have no parent, legal custodian, or caregiver
6 ~~responsible adult relative~~ to provide supervision and care;
7 or;

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

11 (15)~~(12)~~ "Child support" means a court-ordered
12 obligation, enforced under chapter 61 and ss.
13 409.2551-409.2597, for monetary support for the care,
14 maintenance, training, and education of a child.

15 (16)~~(13)~~ "Circuit" means any of the 20 judicial
16 circuits as set forth in s. 26.021.

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

27 (18)~~(15)~~ "Court," unless otherwise expressly stated,
28 means the circuit court assigned to exercise jurisdiction
29 under this chapter.

30 (19)~~(16)~~ "Department," ~~as used in this chapter,~~ means
31 the Department of Children and Family Services.

1 (20)~~(17)~~ "Diligent efforts by a parent, legal
2 custodian, or caregiver" means a course of conduct which
3 results in a reduction in risk to the child in the child's
4 home that would allow the child to be safely placed
5 permanently back in the home as set forth in the case plan.
6 (21)~~(18)~~ "Diligent efforts of social service agency"
7 means reasonable efforts to provide social services or
8 reunification services made by any social service agency ~~as~~
9 ~~defined in this section~~ that is a party to a case plan.
10 (22)~~(19)~~ "Diligent search" means the efforts of a
11 social service agency to locate a parent or prospective parent
12 whose identity or location is unknown, ~~or a relative made~~
13 ~~known to the social services agency by the parent or custodian~~
14 ~~of a child. When the search is for a parent, prospective~~
15 ~~parent, or relative of a child in the custody of the~~
16 ~~department, this search must be~~ initiated as soon as the
17 social service agency is made aware of the existence of such
18 parent, with the search progress reported at each court
19 hearing until the parent is either identified and located or
20 the court excuses further search.~~prospective parent, or~~
21 ~~relative. A diligent search shall include interviews with~~
22 ~~persons who are likely to have information about the identity~~
23 ~~or location of the person being sought, comprehensive database~~
24 ~~searches, and records searches, including searches of~~
25 ~~employment, residence, utilities, Armed Forces, vehicle~~
26 ~~registration, child support enforcement, law enforcement, and~~
27 ~~corrections records, and any other records likely to result in~~
28 ~~identifying and locating the person being sought. The initial~~
29 ~~diligent search must be completed within 90 days after a child~~
30 ~~is taken into custody. After the completion of the initial~~
31 ~~diligent search, the department, unless excused by the court,~~

1 ~~shall have a continuing duty to search for relatives with whom~~
2 ~~it may be appropriate to place the child, until such relatives~~
3 ~~are found or until the child is placed for adoption.~~

4 (23)(20) "Disposition hearing" means a hearing in
5 which the court determines the most appropriate family support
6 ~~dispositional~~ services in the least restrictive available
7 setting ~~provided for under s. 39.408(3),~~ in dependency cases,
8 or ~~s. 39.469,~~ in termination of parental rights cases.

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

11 (25)(21) "District administrator" means the chief
12 operating officer of each service district of the department
13 ~~of Children and Family Services~~ as defined in s. 20.19(7)(6)
14 and, where appropriate, includes any ~~each~~ district
15 administrator whose service district falls within the
16 boundaries of a judicial circuit.

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

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

23 (a) Harassing, embarrassing, or harming another
24 person;

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

26 (c) Acquiring custody of a child; or

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

29
30
31

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

4 (28)(22) "Family" means a collective body of persons,
5 consisting of a child and a parent, legal guardian, ~~adult~~
6 custodian, caregiver, or adult relative, in which:

7 (a) The persons reside in the same house or living
8 unit; or

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

13 (29)(23) "Foster care" means care provided a child in
14 a foster family or boarding home, group home, agency boarding
15 home, child care institution, or any combination thereof.

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

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

27 1. Willful acts that produce the following specific
28 injuries:

29 a. Sprains, dislocations, or cartilage damage.

30 b. Bone or skull fractures.

31 c. Brain or spinal cord damage.

1 d. Intracranial hemorrhage or injury to other internal
2 organs.

3 e. Asphyxiation, suffocation, or drowning.

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

5 g. Burns or scalding.

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

7 i. Permanent or temporary disfigurement.

8 j. Permanent or temporary loss or impairment of a body
9 part or function.

10

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

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

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

28 4. Inappropriate or excessively harsh disciplinary
29 action that is likely to result in physical injury, mental
30 injury as defined in this section, or emotional injury. The
31 significance of any injury must be evaluated in light of the

1 following factors: the age of the child; any prior history of
2 injuries to the child; the location of the injury on the body
3 of the child; the multiplicity of the injury; and the type of
4 trauma inflicted. Corporal discipline may be considered
5 excessive or abusive when it results in any of the following
6 or other similar injuries:
7 a. Sprains, dislocations, or cartilage damage.
8 b. Bone or skull fractures.
9 c. Brain or spinal cord damage.
10 d. Intracranial hemorrhage or injury to other internal
11 organs.
12 e. Asphyxiation, suffocation, or drowning.
13 f. Injury resulting from the use of a deadly weapon.
14 g. Burns or scalding.
15 h. Cuts, lacerations, punctures, or bites.
16 i. Permanent or temporary disfigurement.
17 j. Permanent or temporary loss or impairment of a body
18 part or function.
19 k. Significant bruises or welts.
20 (b) Commits, or allows to be committed, sexual
21 battery, as defined in chapter 794, or lewd or lascivious
22 acts, as defined in chapter 800, against the child.
23 (c) Allows, encourages, or forces the sexual
24 exploitation of a child, which includes allowing, encouraging,
25 or forcing a child to:
26 1. Solicit for or engage in prostitution; or
27 2. Engage in a sexual performance, as defined by
28 chapter 827.
29 (d) Exploits a child, or allows a child to be
30 exploited, as provided in s. 450.151.
31

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

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

25 1. Eliminate the requirement that such a case be
26 reported to the department;

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

29 3. Preclude a court from ordering, when the health of
30 the child requires it, the provision of medical services by a
31 physician, as defined in this section, or treatment by a duly

1 accredited practitioner who relies solely on spiritual means
2 for healing in accordance with the tenets and practices of a
3 well-recognized church or religious organization.

4 (g) Exposes a child to a controlled substance or
5 alcohol. Exposure to a controlled substance or alcohol is
6 established by:

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

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

13
14 As used in this paragraph, the term "controlled substance"
15 means prescription drugs not prescribed for the parent or not
16 administered as prescribed and controlled substances as
17 outlined in Schedule I or Schedule II of s. 893.03.

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

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

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

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

28 (31)(24) "Health and human services board" means the
29 body created in each service district of the department of
30 Children and Family Services pursuant to the provisions of s.
31 20.19(8)(7).

1 (32) "Institutional child abuse or neglect" means
2 situations of known or suspected child abuse or neglect in
3 which the person allegedly perpetrating the child abuse or
4 neglect is an employee of a private school, public or private
5 day care center, residential home, institution, facility, or
6 agency or any other person at such institution responsible for
7 the child's care.

8 (33)~~(25)~~ "Judge" means the circuit judge exercising
9 jurisdiction pursuant to this chapter.

10 (34)~~(26)~~ "Legal custody" means a legal status created
11 by court order or letter of guardianship which vests in a
12 custodian of the person or guardian, whether an agency or an
13 individual, the right to have physical custody of the child
14 and the right and duty to protect, train, and discipline the
15 child and to provide him or her with food, shelter, education,
16 and ordinary medical, dental, psychiatric, and psychological
17 care. The legal custodian is the person or entity in whom the
18 legal right to custody is vested.

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

23 (36)~~(27)~~ "Licensed child-caring agency" means a
24 person, society, association, or agency licensed by the
25 department ~~of Children and Family Services~~ to care for,
26 receive, and board children.

27 (37)~~(28)~~ "Licensed child-placing agency" means a
28 person, society, association, or institution licensed by the
29 department ~~of Children and Family Services~~ to care for,
30 receive, or board children and to place children in a licensed
31 child-caring institution or a foster or adoptive home.

1 (38)~~(29)~~ "Licensed health care professional" means a
2 physician licensed under chapter 458, an osteopathic physician
3 licensed under chapter 459, a nurse licensed under chapter
4 464, a physician assistant certified under chapter 458 or
5 chapter 459, or a dentist licensed under chapter 466.

6 (39)~~(30)~~ "Likely to injure oneself" means that, as
7 evidenced by violent or other actively self-destructive
8 behavior, it is more likely than not that within a 24-hour
9 period the child will attempt to commit suicide or inflict
10 serious bodily harm on himself or herself.

11 (40)~~(31)~~ "Likely to injure others" means that it is
12 more likely than not that within a 24-hour period the child
13 will inflict serious and unjustified bodily harm on another
14 person.

15 (41)~~(32)~~ "Long-term relative custodian" means an adult
16 relative who is a party to a long-term custodial relationship
17 created by a court order pursuant to this chapter ~~s.~~
18 ~~39.41(2)(a)5~~.

19 (42)~~(33)~~ "Long-term relative custody" or "long-term
20 custodial relationship" means the relationship that a juvenile
21 court order creates between a child and an adult relative of
22 the child or other caregiver ~~an adult nonrelative~~ approved by
23 the court when the child cannot be placed in the custody of a
24 natural parent and termination of parental rights is not
25 deemed to be in the best interest of the child. Long-term
26 relative custody confers upon the long-term relative or other
27 caregiver ~~nonrelative custodian~~ the right to physical custody
28 of the child, a right which will not be disturbed by the court
29 except upon request of the caregiver ~~custodian~~ or upon a
30 showing that a material change in circumstances necessitates a
31 change of custody for the best interest of the child. A

1 long-term relative or other caregiver ~~nonrelative custodian~~
2 shall have all of the rights and duties of a natural parent,
3 including, but not limited to, the right and duty to protect,
4 train, and discipline the child and to provide the child with
5 food, shelter, and education, and ordinary medical, dental,
6 psychiatric, and psychological care, unless these rights and
7 duties are otherwise enlarged or limited by the court order
8 establishing the long-term custodial relationship.

9 (43)~~(34)~~ "Mediation" means a process whereby a neutral
10 third person called a mediator acts to encourage and
11 facilitate the resolution of a dispute between two or more
12 parties. It is an informal and nonadversarial process with
13 the objective of helping the disputing parties reach a
14 mutually acceptable and voluntary agreement. ~~In mediation,~~
15 ~~decisionmaking authority rests with the parties.~~ The role of
16 the mediator includes, but is not limited to, assisting the
17 parties in identifying issues, fostering joint problem
18 solving, and exploring settlement alternatives.

19 (44) "Mental injury" means an injury to the
20 intellectual or psychological capacity of a child as evidenced
21 by a discernible and substantial impairment in the ability to
22 function within the normal range of performance and behavior.

23 (45)~~(35)~~ "Necessary medical treatment" means care
24 which is necessary within a reasonable degree of medical
25 certainty to prevent the deterioration of a child's condition
26 or to alleviate immediate pain of a child.

27 (46)~~(36)~~ "Neglect" occurs when the parent or legal
28 custodian of a child or, in the absence of a parent or legal
29 custodian, the caregiver ~~person primarily responsible for the~~
30 ~~child's welfare~~ deprives a child of, or allows a child to be
31 deprived of, necessary food, clothing, shelter, or medical

1 treatment or permits a child to live in an environment when
2 such deprivation or environment causes the child's physical,
3 mental, or emotional health to be significantly impaired or to
4 be in danger of being significantly impaired. The foregoing
5 circumstances shall not be considered neglect if caused
6 primarily by financial inability unless actual services for
7 relief have been offered to and rejected by such person. A
8 parent, legal custodian, or caregiver ~~guardian~~ legitimately
9 practicing religious beliefs in accordance with a recognized
10 church or religious organization who thereby does not provide
11 specific medical treatment for a child shall not, for that
12 reason alone, be considered a negligent parent, legal
13 custodian, or caregiver ~~guardian~~; however, such an exception
14 does not preclude a court from ordering the following services
15 to be provided, when the health of the child so requires:

16 (a) Medical services from a licensed physician,
17 dentist, optometrist, podiatrist, or other qualified health
18 care provider; or

19 (b) Treatment by a duly accredited practitioner who
20 relies solely on spiritual means for healing in accordance
21 with the tenets and practices of a well-recognized church or
22 religious organization.

23
24 For the purpose of protective investigations, neglect of a
25 child includes the acts or omissions of the parent, legal
26 custodian, or caregiver.

27 (47) "Other person responsible for a child's welfare"
28 includes the child's legal guardian, legal custodian, or
29 foster parent; an employee of a private school, public or
30 private child day care center, residential home, institution,
31 facility, or agency; or any other person legally responsible

1 for the child's welfare in a residential setting; and also
2 includes an adult sitter or relative entrusted with a child's
3 care. For the purpose of departmental investigative
4 jurisdiction, this definition does not include law enforcement
5 officers, or employees of municipal or county detention
6 facilities or the Department of Corrections, while acting in
7 an official capacity.

8 (48)~~(37)~~ "Next of kin" means an adult relative of a
9 child who is the child's brother, sister, grandparent, aunt,
10 uncle, or first cousin.

11 (49)~~(38)~~ "Parent" means a woman who gives birth to a
12 child and a man whose consent to the adoption of the child
13 would be required under s. 63.062(1)(b). If a child has been
14 legally adopted, the term "parent" means the adoptive mother
15 or father of the child. The term does not include an
16 individual whose parental relationship to the child has been
17 legally terminated, or an alleged or prospective parent,
18 unless the parental status falls within the terms of ~~either s.~~
19 ~~39.4051(7)~~ or s. 63.062(1)(b).

20 (50)~~(39)~~ "Participant," for purposes of a shelter
21 proceeding, dependency proceeding, or termination of parental
22 rights proceeding, means any person who is not a party but who
23 should receive notice of hearings involving the child,
24 including foster parents or caregivers, identified prospective
25 parents, grandparents entitled to priority for adoption
26 consideration under s. 63.0425, actual custodians of the
27 child, and any other person whose participation may be in the
28 best interest of the child. Participants may be granted leave
29 by the court to be heard without the necessity of filing a
30 motion to intervene.

31

1 ~~(51)(40)~~ "Party," ~~for purposes of a shelter~~
2 ~~proceeding, dependency proceeding, or termination of parental~~
3 ~~rights proceeding,~~ means the parent or legal custodian of the
4 child, the petitioner, the department, the guardian ad litem
5 or the representative of the guardian ad litem program when
6 the program ~~one~~ has been appointed, and the child. The
7 presence of the child may be excused by order of the court
8 when presence would not be in the child's best interest.
9 Notice to the child may be excused by order of the court when
10 the age, capacity, or other condition of the child is such
11 that the notice would be meaningless or detrimental to the
12 child.

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

15 (53) "Physician" means any licensed physician,
16 dentist, podiatrist, or optometrist and includes any intern or
17 resident.

18 ~~(54)(41)~~ "Preliminary screening" means the gathering
19 of preliminary information to be used in determining a child's
20 need for further evaluation or assessment or for referral for
21 other substance abuse services through means such as
22 psychosocial interviews; urine and breathalyzer screenings;
23 and reviews of available educational, delinquency, and
24 dependency records of the child.

25 ~~(55)(42)~~ "Preventive services" means social services
26 and other supportive and rehabilitative services provided to
27 the parent of the child, the legal custodian ~~guardian~~ of the
28 child, or the caregiver ~~custodian~~ of the child and to the
29 child for the purpose of averting the removal of the child
30 from the home or disruption of a family which will or could
31 result in the placement of a child in foster care. Social

1 services and other supportive and rehabilitative services
2 shall promote the child's need for physical, mental, and
3 emotional health and a safe, ~~continuous,~~ stable, living
4 environment, ~~and~~ shall promote family autonomy, and shall
5 strengthen family life, ~~as the first priority~~ whenever
6 possible.

7 (56)(43) "Prospective parent" means a person who
8 claims to be, or has been identified as, a person who may be a
9 mother or a father of a child.

10 (57)(44) "Protective investigation" means the
11 acceptance of a report alleging child abuse, abandonment, or
12 neglect, as defined in this chapter ~~s. 415.503~~, by the central
13 abuse hotline or the acceptance of a report of other
14 dependency by the department ~~local children, youth, and~~
15 ~~families office of the Department of Children and Family~~
16 ~~Services~~; the investigation ~~and classification~~ of each report;
17 the determination of whether action by the court is warranted;
18 the determination of the disposition of each report without
19 court or public agency action when appropriate; and the
20 referral of a child to another public or private agency when
21 appropriate; ~~and the recommendation by the protective~~
22 ~~investigator of court action when appropriate.~~

23 (58)(45) "Protective investigator" means an authorized
24 agent of the department ~~of Children and Family Services~~ who
25 receives and ~~investigates, and classifies~~ reports of child
26 abuse, abandonment, or neglect ~~as defined in s. 415.503~~; who,
27 as a result of the investigation, may recommend that a
28 dependency petition be filed for the child ~~under the criteria~~
29 ~~of paragraph (11)(a)~~; and who performs other duties necessary
30 to carry out the required actions of the protective
31 investigation function.

1 (59)~~(46)~~ "Protective supervision" means a legal status
2 in dependency cases, ~~child-in-need-of-services cases, or~~
3 ~~family-in-need-of-services cases~~ which permits the child to
4 remain safely in his or her own home or other placement under
5 the supervision of an agent of the department and which must
6 be reviewed by ~~Department of Juvenile Justice or the~~
7 ~~Department of Children and Family Services, subject to being~~
8 ~~returned to~~ the court during the period of supervision.

9 ~~(47)~~ "Protective supervision case plan" means a
10 document that is prepared by the protective supervision
11 counselor of the Department of Children and Family Services,
12 ~~is based upon the voluntary protective supervision of a case~~
13 ~~pursuant to s. 39.403(2)(b), or a disposition order entered~~
14 ~~pursuant to s. 39.41(2)(a)3., and that:~~

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

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

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

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

25 ~~2. Goals and specific activities to be achieved by all~~
26 ~~parties to the plan.~~

27 ~~3. Anticipated dates for achieving each goal and~~
28 ~~activity.~~

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

30
31

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

4 (60)~~(48)~~ "Relative" means a grandparent,
5 great-grandparent, sibling, first cousin, aunt, uncle,
6 great-aunt, great-uncle, niece, or nephew, whether related by
7 the whole or half blood, by affinity, or by adoption. The term
8 does not include a stepparent.

9 (61)~~(49)~~ "Reunification services" means social
10 services and other supportive and rehabilitative services
11 provided to the parent of the child, the legal custodian
12 guardian of the child, or the caregiver custodian of the
13 child, whichever is applicable, to the child, and where
14 appropriate to the foster parents of the child, for the
15 purpose of enabling a child who has been placed in out-of-home
16 foster care to safely return to his or her family at the
17 earliest possible time. The health and safety of the child
18 shall be the paramount goal of social services and other
19 supportive and rehabilitative services. Such services shall
20 promote the child's need for physical, mental, and emotional
21 health and a safe, continuous, stable, living environment, and
22 shall promote family autonomy, and shall strengthen family
23 life, as a first priority whenever possible.

24 (62) "Secretary" means the Secretary of Children and
25 Family Services.

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

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

31

1 (b) Any sexual contact between the genitals or anal
2 opening of one person and the mouth or tongue of another
3 person.

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

8 (d) The intentional touching of the genitals or
9 intimate parts, including the breasts, genital area, groin,
10 inner thighs, and buttocks, or the clothing covering them, of
11 either the child or the perpetrator, except that this does not
12 include:

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

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

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

19 (f) The intentional exposure of the perpetrator's
20 genitals in the presence of a child, or any other sexual act
21 intentionally perpetrated in the presence of a child, if such
22 exposure or sexual act is for the purpose of sexual arousal or
23 gratification, aggression, degradation, or other similar
24 purpose.

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

27 1. Solicit for or engage in prostitution; or

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

30 (64)(50) "Shelter" means a place for the temporary
31 care of a child who is alleged to be or who has been found to

1 be dependent, ~~a child from a family in need of services, or a~~
2 ~~child in need of services,~~ pending court disposition before or
3 after adjudication ~~or after execution of a court order.~~
4 ~~"Shelter" may include a facility which provides 24-hour~~
5 ~~continual supervision for the temporary care of a child who is~~
6 ~~placed pursuant to s. 984.14.~~

7 (65)~~(51)~~ "Shelter hearing" means a hearing in which
8 the court determines whether probable cause exists to keep a
9 child in shelter status pending further investigation of the
10 case provided for under s. 984.14 in
11 ~~family-in-need-of-services cases or child-in-need-of-services~~
12 ~~cases.~~

13 (66)~~(52)~~ "Social service agency" means the department
14 ~~of Children and Family Services,~~ a licensed child-caring
15 agency, or a licensed child-placing agency.

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

24 (67)~~(54)~~ "Substance abuse" means using, without
25 medical reason, any psychoactive or mood-altering drug,
26 including alcohol, in such a manner as to induce impairment
27 resulting in dysfunctional social behavior.

28 (68)~~(55)~~ "Substantial compliance" means that the
29 circumstances which caused the creation of the case plan
30 ~~placement in foster care~~ have been significantly remedied to
31 the extent that the well-being and safety of the child will

1 not be endangered upon the child's remaining with or being
2 returned to the child's parent, legal custodian, or caregiver
3 ~~or guardian.~~

4 ~~(69)(56)~~ "Taken into custody" means the status of a
5 child immediately when temporary physical control over the
6 child is attained by a person authorized by law, pending the
7 child's release or placement, ~~detention, placement, or other~~
8 ~~disposition as authorized by law.~~

9 ~~(70)(57)~~ "Temporary legal custody" means the
10 relationship that a juvenile court creates between a child and
11 an adult relative of the child, legal custodian, or caregiver
12 ~~adult nonrelative~~ approved by the court, or other person until
13 a more permanent arrangement is ordered. Temporary legal
14 custody confers upon the custodian the right to have temporary
15 physical custody of the child and the right and duty to
16 protect, train, and discipline the child and to provide the
17 child with food, shelter, and education, and ordinary medical,
18 dental, psychiatric, and psychological care, unless these
19 rights and duties are otherwise enlarged or limited by the
20 court order establishing the temporary legal custody
21 relationship.

22 ~~(71)~~ "Victim" means any child who has sustained or is
23 threatened with physical, mental, or emotional injury
24 identified in a report involving child abuse, neglect, or
25 abandonment, or child-on-child sexual abuse.

26 Section 5. Section 39.455, Florida Statutes, is
27 renumbered as section 39.011, Florida Statutes, and amended to
28 read:

29 39.011 ~~39.455~~ Immunity from liability.--

30 (1) In no case shall employees or agents of the
31 department or a social service agency acting in good faith be

1 liable for damages as a result of failing to provide services
2 agreed to under the case plan ~~or permanent placement plan~~
3 unless the failure to provide such services occurs as a result
4 of bad faith or malicious purpose or occurs in a manner
5 exhibiting wanton and willful disregard of human rights,
6 safety, or property.

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

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

21 Section 6. Section 39.012, Florida Statutes, is
22 amended to read:

23 39.012 Rules for implementation.--The department ~~of~~
24 ~~Children and Family Services~~ shall adopt rules for the
25 efficient and effective management of all programs, services,
26 facilities, and functions necessary for implementing this
27 chapter. Such rules may not conflict with the Florida Rules of
28 Juvenile Procedure. All rules and policies must conform to
29 accepted standards of care and treatment.

30 Section 7. Section 39.0121, Florida Statutes, is
31 created to read:

1 39.0121 Specific rulemaking authority.--Pursuant to
2 the requirements of s. 120.536, the department is specifically
3 authorized to adopt, amend, and repeal administrative rules
4 which implement or interpret law or policy, or describe the
5 procedure and practice requirements necessary to implement
6 this chapter, including, but not limited to, the following:
7 (1) Background screening of department employees and
8 applicants; criminal records checks of prospective foster and
9 adoptive parents; and drug testing of protective
10 investigators.
11 (2) Reporting of child abuse, neglect, and
12 abandonment; reporting of child-on-child sexual abuse; false
13 reporting; child protective investigations; taking a child
14 into protective custody; and shelter procedures.
15 (3) Confidentiality and retention of department
16 records; access to records; and record requests.
17 (4) Department and client trust funds.
18 (5) Child protection teams and services, and eligible
19 cases.
20 (6) Consent to and provision of medical care and
21 treatment for children in the care of the department.
22 (7) Federal funding requirements and procedures;
23 foster care and adoption subsidies; subsidized independent
24 living; and subsidized child care.
25 (8) Agreements with law enforcement and other state
26 agencies; access to the National Crime Information Center
27 (NCIC); and access to the parent locator service.
28 (9) Licensing, registration, and certification of
29 child day care providers, shelter and foster homes, and
30 residential child-caring and child-placing agencies.
31

1 (10) The Family Builders Program, the Intensive Crisis
2 Counseling Program, and any other early intervention programs
3 and kinship care assistance programs.

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

6 (12) Legal and casework procedures, including, but not
7 limited to, mediation, diligent search, stipulations,
8 consents, surrenders, and default, with respect to dependency,
9 termination of parental rights, adoption, guardianship, and
10 kinship care proceedings.

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

15 (14) Injunctions and other protective orders,
16 domestic-violence-related cases, and certification of domestic
17 violence centers.

18 Section 8. 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 (10) Court-appointed counsel representing indigent
24 parents or legal guardians at shelter hearings shall be paid
25 from state funds appropriated by general law.

26 Section 9. Section 39.4057, Florida Statutes, is
27 renumbered as section 39.0131, Florida Statutes.

28 Section 10. Section 39.411, Florida Statutes, is
29 renumbered as section 39.0132, Florida Statutes, and
30 subsections (3) and (4) of said section are amended to read:
31

1 39.0132 ~~39.411~~ Oaths, records, and confidential
2 information.--

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

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

30 Section 11. Section 39.414, Florida Statutes, is
31 renumbered as section 39.0133, Florida Statutes.

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

4 39.201 ~~415.504~~ Mandatory reports of child abuse,
5 abandonment, or neglect; mandatory reports of death; central
6 abuse hotline.--

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

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

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

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

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

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

20 (f) Law enforcement officer,

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

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

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

15 (b) Reporters in occupation categories designated in
16 subsection (1) are required to provide their names to the
17 hotline staff. The names of reporters shall be entered into
18 the record of the report, but shall be held confidential as
19 provided in s. 39.202 ~~415-51~~.

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

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

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

27 2. When the alleged juvenile sexual offender is 12
28 years of age or younger, the department shall proceed with an
29 investigation of the report pursuant to this part ~~HH~~,
30 immediately electronically transfer the call to the
31 appropriate law enforcement agency office by the central abuse

1 hotline, and send a written report of the allegation to the
2 appropriate county sheriff's office within 48 hours after the
3 initial report is made to the central abuse hotline.

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

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

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

1 the medical examiner are not subject to the confidentiality
2 requirements provided for in s. 39.202 ~~415.51~~.

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

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

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

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

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

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

30 (f)~~6~~. Initiate and enter into agreements with other
31 states for the purpose of gathering and sharing information

1 contained in reports on child maltreatment to further enhance
2 programs for the protection of children.

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

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 16. 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 17. 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 18. 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, abandonment, or neglect has been made and for submitting all
12 identifying information relating to such a report to the
13 appropriate law enforcement agency and the state attorney for
14 prosecution.
15

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 19. 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 \$10,000 ~~\$1,000~~ for each

1 violation, upon a person who knowingly and willfully makes a
2 false report of abuse, abandonment, or neglect of a child, or
3 a person who 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 20. 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 21. 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)(a) Upon commencing an investigation under this
2 part, the child protective investigator shall inform any
3 subject of 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 4. The possible outcomes and services of the
10 department's response shall be explained to the caregiver.

11 5. 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.

15 (b) The department's training program shall ensure
16 that protective investigators know how to fully inform
17 parents, guardians, and caregivers of their rights and
18 options, including opportunities for audio or video recording
19 of investigators' interviews with parents, guardians,
20 caretakers, or children.

21 (3) An assessment of risk and the perceived needs for
22 the child and family shall be conducted in a manner that is
23 sensitive to the social, economic, and cultural environment of
24 the family.

25 (4) Protective investigations shall be performed by
26 the department or its agent.

27 (5) The person responsible for the investigation shall
28 make a preliminary determination as to whether the report or
29 complaint is complete, consulting with the attorney for the
30 department when necessary. In any case in which the person
31 responsible for the investigation finds that the report or

1 complaint is incomplete, he or she shall return it without
2 delay to the person or agency originating the report or
3 complaint or having knowledge of the facts, or to the
4 appropriate law enforcement agency having investigative
5 jurisdiction, and request additional information in order to
6 complete the report or complaint; however, the confidentiality
7 of any report filed in accordance with this chapter shall not
8 be violated.

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

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

19 (c) If the person conducting the investigation refuses
20 to request the attorney for the department to file a petition
21 for dependency, the complainant shall be advised of the right
22 to file a petition pursuant to this part.

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

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

1 (b) Determine whether there is indication that any
2 child in the family or household has been abused, abandoned,
3 or neglected; the nature and extent of present or prior
4 injuries, abuse, or neglect, and any evidence thereof; and a
5 determination as to the person or persons apparently
6 responsible for the abuse, abandonment, or neglect, including
7 the name, address, date of birth, social security number, sex,
8 and race of each such person.

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

23 (d) Determine the immediate and long-term risk to each
24 child through utilization of standardized risk assessment
25 instruments.

26 (e) Based on the information obtained from the
27 caregiver, complete the risk-assessment instrument within 48
28 hours after the initial contact and, if needed, develop a case
29 plan.

30 (f) Determine the protective, treatment, and
31 ameliorative services necessary to safeguard and ensure the

1 child's safety and well-being and development, and cause the
2 delivery of those services through the early intervention of
3 the department or its agent.

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

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

17 (a) Medical or other health care;

18 (b) Homemaker care, day care, protective supervision,
19 or other services to stabilize the home environment, including
20 intensive family preservation services through the Family
21 Builders Program, the Intensive Crisis Counseling Program, or
22 both; or

23 (c) Foster care, shelter care, or other substitute
24 care to remove the child from the custody of the parents,
25 legal guardians, or caregivers,

26
27 such services shall first be offered for voluntary acceptance
28 unless there are high-risk factors that may impact the ability
29 of the parents, legal guardians, or caregivers to exercise
30 judgment. Such factors may include the parents', legal
31 guardians', or caregivers' young age or history of substance

1 abuse or domestic violence. The parents, legal custodians, or
2 caregivers shall be informed of the right to refuse services,
3 as well as the responsibility of the department to protect the
4 child regardless of the acceptance or refusal of services. If
5 the services are refused and the department deems that the
6 child's need for protection so requires, the department shall
7 take the child into protective custody or petition the court
8 as provided in this chapter.

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

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

18 (11) Immediately upon receipt of a report alleging, or
19 immediately upon learning during the course of an
20 investigation, that:

21 (a) The immediate safety or well-being of a child is
22 endangered;

23 (b) The family is likely to flee;

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

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

28 (e) A child is a victim of sexual battery or of sexual
29 abuse,

30
31

1 the department shall orally notify the jurisdictionally
2 responsible state attorney, and county sheriff's office or
3 local police department, and, as soon as practicable, transmit
4 the report to those agencies. The law enforcement agency
5 shall review the report and determine whether a criminal
6 investigation needs to be conducted and shall assume lead
7 responsibility for all criminal fact-finding activities. A
8 criminal investigation shall be coordinated, whenever
9 possible, with the child protective investigation of the
10 department. Any interested person who has information
11 regarding an offense described in this subsection may forward
12 a statement to the state attorney as to whether prosecution is
13 warranted and appropriate.

14 (12) In a child protective investigation or a criminal
15 investigation, when the initial interview with the child is
16 conducted at school, the department or the law enforcement
17 agency may allow, notwithstanding the provisions of s.
18 39.0132(4), a school instructional staff member who is known
19 by the child to be present during the initial interview if:

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

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

25
26 School instructional staff may only be present when authorized
27 by this subsection. Information received during the interview
28 or from any other source regarding the alleged abuse or
29 neglect of the child shall be confidential and exempt from the
30 provisions of s. 119.07(1), except as otherwise provided by
31 court order. A separate record of the investigation of the

1 abuse, abandonment, or neglect shall not be maintained by the
2 school or school instructional staff member. Violation of this
3 subsection constitutes a misdemeanor of the second degree,
4 punishable as provided in s. 775.082 or s. 775.083.

5 (13) Within 15 days after the completion of the
6 investigation of cases reported to him or her pursuant to this
7 section, the state attorney shall report his or her findings
8 to the department and shall include in such report a
9 determination of whether or not prosecution is justified and
10 appropriate in view of the circumstances of the specific case.

11 Section 22. Section 39.302, Florida Statutes, is
12 created to read:

13 39.302 Protective investigations of institutional
14 child abuse, abandonment, or neglect.--

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

1 state attorney within 3 days after making the oral report. A
2 criminal investigation shall be coordinated, whenever
3 possible, with the child protective investigation of the
4 department. Any interested person who has information
5 regarding the offenses described in this subsection may
6 forward a statement to the state attorney as to whether
7 prosecution is warranted and appropriate. Within 15 days after
8 the completion of the investigation, the state attorney shall
9 report the findings to the department and shall include in
10 such report a determination of whether or not prosecution is
11 justified and appropriate in view of the circumstances of the
12 specific case.

13 (2)(a) If in the course of the child protective
14 investigation, the department finds that a subject of a
15 report, by continued contact with children in care,
16 constitutes a threatened harm to the physical health, mental
17 health, or welfare of the children, the department may
18 restrict a subject's access to the children pending the
19 outcome of the investigation. The department or its agent
20 shall employ the least restrictive means necessary to
21 safeguard the physical health, mental health, and welfare of
22 the children in care. This authority shall apply only to
23 child protective investigations in which there is some
24 evidence that child abuse, abandonment, or neglect has
25 occurred. A subject of a report whose access to children in
26 care has been restricted is entitled to petition the circuit
27 court for judicial review. The court shall enter written
28 findings of fact based upon the preponderance of evidence that
29 child abuse, abandonment, or neglect did occur and that the
30 department's restrictive action against a subject of the
31 report was justified in order to safeguard the physical

1 health, mental health, and welfare of the children in care.
2 The restrictive action of the department shall be effective
3 for no more than 90 days without a judicial finding supporting
4 the actions of the department.

5 (b) Upon completion of the department's child
6 protective investigation, the department may make application
7 to the circuit court for continued restrictive action against
8 any person necessary to safeguard the physical health, mental
9 health, and welfare of the children in care.

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

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

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

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

22 Section 23. Section 415.5055, Florida Statutes, is
23 renumbered as section 39.303, Florida Statutes, and amended to
24 read:

25 39.303 ~~415.5055~~ Child protection teams; services;
26 eligible cases.--The department shall develop, maintain, and
27 coordinate the services of one or more multidisciplinary child
28 protection teams in each of the service districts of the
29 department. Such teams may be composed of representatives of
30 appropriate health, mental health, social service, legal
31 service, and law enforcement agencies. The Legislature finds

1 that optimal coordination of child protection teams and sexual
2 abuse treatment programs requires collaboration between the
3 Department of Health and the Department of Children and Family
4 Services. The two departments shall maintain an interagency
5 agreement that establishes protocols for oversight and
6 operations of child protection teams and sexual abuse
7 treatment programs. The Secretary of Health and the Director
8 of the Division of Children's Medical Services, in
9 consultation with the Secretary of Children and Family
10 Services, shall maintain the responsibility for the screening,
11 employment, and, if necessary, the termination of child
12 protection team medical directors, at headquarters and in the
13 15 districts. Child protection team medical directors shall be
14 responsible for oversight of the teams in the districts.

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

30 (a) Medical diagnosis and evaluation services,
31 including provision or interpretation of X rays and laboratory

1 tests, and related services, as needed, and documentation of
2 findings relative thereto.

3 (b) Telephone consultation services in emergencies and
4 in other situations.

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

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

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

20 (f) Expert medical, psychological, and related
21 professional testimony in court cases.

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

1 every such child protection team case staffing, consultation,
2 or staff activity involving a child, a children, youth, and
3 families program representative shall attend and participate.

4 (h) Case service coordination and assistance,
5 including the location of services available from other public
6 and private agencies in the community.

7 (i) Such training services for program and other
8 department employees as is deemed appropriate to enable them
9 to develop and maintain their professional skills and
10 abilities in handling child abuse, abandonment, and neglect
11 cases.

12 (j) Educational and community awareness campaigns on
13 child abuse, abandonment, and neglect in an effort to enable
14 citizens more successfully to prevent, identify, and treat
15 child abuse, abandonment, and neglect in the community.

16 (2) The child abuse, abandonment, and neglect cases
17 that are appropriate for referral by the children, youth, and
18 families program to child protection teams for support
19 services as set forth in subsection (1) include, but are not
20 limited to, cases involving:

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

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

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

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

30 (e) Reported malnutrition of a child and failure of a
31 child to thrive.

1 (f) Reported medical, physical, or emotional neglect
2 of a child.

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

8 (h) Symptoms of serious emotional problems in a child
9 when emotional or other abuse, abandonment, or neglect is
10 suspected.

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

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

22 Section 24. Section 39.3035, Florida Statutes, is
23 created to read:

24 39.3035 Child advocacy centers; standards; state
25 funding.--

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

29 (a) Be a private, nonprofit incorporated agency or a
30 governmental entity.

31

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

4 (c) Have a neutral, child-focused facility where joint
5 department and law enforcement interviews take place with
6 children in appropriate cases of suspected child sexual abuse
7 or physical abuse. All multidisciplinary agencies shall have
8 a place to interact with the child as investigative or
9 treatment needs require.

10 (d) Have a minimum designated staff that is supervised
11 and approved by the local board of directors or governmental
12 entity.

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

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

27 (g) Provide referrals for medical exams and mental
28 health therapy. The center shall provide followup on cases
29 referred for mental health therapy.

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

1 (i) Have an interagency commitment, in writing,
2 covering those aspects of agency participation in a
3 multidisciplinary approach to the handling of child sexual
4 abuse and serious physical abuse cases.

5 (2) Provide assurance that child advocacy center
6 employees and volunteers at the center are trained and
7 screened in accordance with s. 39.001(2).

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

13 Section 25. Section 415.507, Florida Statutes, is
14 renumbered as section 39.304, Florida Statutes, and amended to
15 read:

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

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

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

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

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

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

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

23 (c) If a parent or legal custodian ~~guardian~~ of the
24 child is available but refuses to consent to the necessary
25 treatment, a court order shall be required unless the
26 situation meets the definition of an emergency in s. 743.064
27 or the treatment needed is related to suspected abuse,
28 abandonment, or neglect of the child by a parent or legal
29 custodian ~~guardian~~. In such case, the department shall have
30 the authority to consent to necessary medical treatment. This
31

1 authority is limited to the time reasonably necessary to
2 obtain court authorization.

3

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

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

13 ~~(4)(3)~~ Any photograph or report on examinations made
14 or X rays taken pursuant to this section, or copies thereof,
15 shall be sent to the department as soon as possible.

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

27 ~~(5) The court shall order a defendant or juvenile~~
28 ~~offender who pleads guilty or nolo contendere to, or who is~~
29 ~~convicted of or adjudicated delinquent for, a violation of~~
30 ~~chapter 794 or chapter 800 to make restitution to the Crimes~~
31 ~~Compensation Trust Fund or to the county, whichever paid for~~

1 ~~the initial forensic physical examination, in an amount equal~~
2 ~~to the compensation paid to the medical provider for the cost~~
3 ~~of the initial forensic physical examination. The order may~~
4 ~~be enforced by the department in the same manner as a judgment~~
5 ~~in a civil action.~~

6 Section 26. Section 415.5095, Florida Statutes, is
7 renumbered as section 39.305, Florida Statutes, and amended to
8 read:

9 39.305 ~~415.5095~~ Intervention and treatment in sexual
10 abuse cases; model plan.--

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

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

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

31

1 39.306 Child protective investigations; working
2 agreements with local law enforcement.--The department shall
3 enter into agreements with the jurisdictionally responsible
4 county sheriffs' offices and local police departments that
5 will assume the lead in conducting any potential criminal
6 investigations arising from allegations of child abuse,
7 abandonment, or neglect. The written agreement must specify
8 how the requirements of this chapter will be met. For the
9 purposes of such agreement, the jurisdictionally responsible
10 law enforcement entity is authorized to share Florida criminal
11 history information that is not otherwise exempt from s.
12 119.07(1) with the district personnel, authorized agent, or
13 contract provider directly responsible for the child
14 protective investigation and emergency child placement. The
15 agencies entering into such agreement must comply with s.
16 943.0525. Criminal justice information provided by such law
17 enforcement entity shall be used only for the purposes
18 specified in the agreement and shall be provided at no charge.
19 Notwithstanding any other provision of law, the Department of
20 Law Enforcement shall provide to the department electronic
21 access to Florida criminal justice information which is
22 lawfully available and not exempt from s. 119.07(1), only for
23 the purpose of child protective investigations and emergency
24 child placement. As a condition of access to such
25 information, the department shall be required to execute an
26 appropriate user agreement addressing the access, use,
27 dissemination, and destruction of such information and to
28 comply with all applicable laws and regulations, and rules of
29 the Department of Law Enforcement.

30 Section 28. Section 415.50171, Florida Statutes, is
31 renumbered as section 39.307, Florida Statutes, and subsection

1 (1), paragraph (a) of subsection (2), and subsection (6) of
2 said section are amended to read:

3 39.307 ~~415.50171~~ ~~Family services response system~~;
4 Reports of child-on-child sexual abuse.--

5 (1) ~~Subject to specific appropriation,~~ Upon receiving
6 a report alleging juvenile sexual abuse as defined in s.
7 39.01(7)(b), the department shall assist the family in
8 receiving appropriate services ~~415.50165(7)~~, district staff
9 shall, unless caregiver abuse or neglect is involved, use a
10 ~~family services response system approach~~ to address the
11 allegations of the report.

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

14 (a) The purpose of the response to a report alleging
15 juvenile sexual abuse behavior shall be explained to the
16 caregiver.

17 1. The purpose of the response shall be explained in a
18 manner consistent with legislative purpose and intent provided
19 in this chapter ~~part~~.

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

23 3. The possible consequences of the department's
24 response, including outcomes and services, shall be explained
25 to the caregiver of the alleged juvenile sexual offender and
26 the victim's family or caregiver.

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

31

1 39.312 ~~415.516~~ Goals.--The goals of any Family
2 Builders Program shall be to:
3 (1) ~~(1)~~ Ensure child health and safety while working with
4 the family.
5 (2)~~(1)~~ Help parents to improve their relationships
6 with their children and to provide better care, nutrition,
7 hygiene, discipline, protection, instruction, and supervision.
8 (3)~~(2)~~ Help parents to provide a better household
9 environment for their children by improving household
10 maintenance, budgeting, and purchasing.
11 (4)~~(3)~~ Provide part-time child care when parents are
12 unable to do so or need temporary relief.
13 (5)~~(4)~~ Perform household maintenance, budgeting, and
14 purchasing when parents are unable to do so on their own or
15 need temporary relief.
16 (6)~~(5)~~ Assist parents and children to manage and
17 resolve conflicts.
18 (7)~~(6)~~ Assist parents to meet the special physical,
19 mental, or emotional needs of their children and help parents
20 to deal with their own special physical, mental, or emotional
21 needs that interfere with their ability to care for their
22 children and to manage their households.
23 (8)~~(7)~~ Help families to discover and gain access to
24 community resources to which the family or children might be
25 entitled and which would assist the family in meeting its
26 needs and the needs of the children, including the needs for
27 food, clothing, housing, utilities, transportation,
28 appropriate educational opportunities, employment, respite
29 care, and recreational and social activities.
30 (9)~~(8)~~ Help families by providing cash or in-kind
31 assistance to meet their needs for food, clothing, housing, or

1 transportation when such needs prevent or threaten to prevent
2 parents from caring for their children, and when such needs
3 are not met by other sources in the community in a timely
4 fashion.

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

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

11 Section 32. Section 415.517, Florida Statutes, is
12 renumbered as section 39.313, Florida Statutes, and amended to
13 read:

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

27 Section 33. Section 415.518, Florida Statutes, is
28 renumbered as section 39.314, Florida Statutes, and amended to
29 read:

30 39.314 ~~415.518~~ Eligibility for Family Builders Program
31 services.--Family Builders Program services must be made

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

14 Section 34. Section 415.519, Florida Statutes, is
15 renumbered as section 39.315, Florida Statutes.

16 Section 35. Section 415.520, Florida Statutes, is
17 renumbered as section 39.316, Florida Statutes, and subsection
18 (3) of said section is amended to read:

19 39.316 ~~415.520~~ Qualifications of Family Builders
20 Program workers.--

21 (3) Caseworkers must successfully complete at least 40
22 hours of intensive training prior to providing direct services
23 ~~service~~ under this program. Paraprofessional aides and
24 supervisors must, within 90 days after hiring, complete a
25 training program prescribed by the department on child abuse,
26 abandonment, and neglect and an overview of the children,
27 youth, and families program components and service delivery
28 system. Program supervisors and caseworkers must thereafter
29 complete at least 40 hours of additional training each year in
30 accordance with standards established by the department.

31

1 shall immediately notify the department, whereupon the
2 department shall immediately begin a child protective
3 investigation in accordance with the provisions of this
4 chapter and shall make every reasonable effort to immediately
5 notify the parents, caregiver, or legal custodian that such
6 child has been taken into protective custody. If the
7 department determines, according to the criteria set forth in
8 this chapter, that the child should remain in protective
9 custody longer than 24 hours, it shall petition the court for
10 an order authorizing such custody in the same manner as if the
11 child were placed in a shelter. The department shall attempt
12 to avoid the placement of a child in an institution whenever
13 possible.

14 Section 40. Section 39.401, Florida Statutes, as
15 amended by chapter 97-276, Laws of Florida, is amended to
16 read:

17 39.401 Taking a child alleged to be dependent into
18 custody; law enforcement officers and authorized agents of the
19 department.--

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

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

24 (b) By a law enforcement officer, or an authorized
25 agent of the department, if the officer or authorized agent
26 has probable cause to support a finding of reasonable grounds
27 for removal and that removal is necessary to protect the
28 child. Reasonable grounds for removal are as follows:

29 1. That the child has been abused, neglected, or
30 abandoned, or is suffering from or is in imminent danger of

31

1 illness or injury as a result of abuse, neglect, or
2 abandonment;

3 2. That the parent, legal custodian, caregiver, or
4 responsible adult relative ~~custodian~~ of the child has
5 materially violated a condition of placement imposed by the
6 court; or

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

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

13 (a) Release the child to:

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

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

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

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

26 (b) Deliver the child to an authorized agent of the
27 department, stating the facts by reason of which the child was
28 taken into custody and sufficient information to establish
29 probable cause that the child is abandoned, abused, or
30 neglected, or otherwise dependent ~~and make a full written~~
31 ~~report to the department within 3 days.~~

1
2 For cases involving allegations of abandonment, abuse, or
3 neglect, or other dependency cases, within 3 days after such
4 release or within 3 days after delivering the child to an
5 authorized agent of the department, the law enforcement
6 officer who took the child into custody shall make a full
7 written report to the department.
8 (3) If the child is taken into custody by, or is
9 delivered to, an authorized agent of the department, the
10 authorized agent shall review the facts supporting the removal
11 with an attorney representing the department ~~legal staff prior~~
12 ~~to the emergency shelter hearing.~~ The purpose of this review
13 shall be to determine whether probable cause exists for the
14 filing of a an emergency shelter petition ~~pursuant to s.~~
15 ~~39.402(1)~~. If the facts are not sufficient to support the
16 filing of a shelter petition, the child shall immediately be
17 returned to the custody of the parent, caregiver, or legal
18 custodian. If the facts are sufficient to support the filing
19 of the shelter petition, and the child has not been returned
20 to the custody of the parent, caregiver, or legal custodian,
21 the department shall file the shelter petition and schedule a
22 shelter hearing ~~pursuant to s. 39.402(1)~~, such hearing to be
23 held within 24 hours after the removal of the child. While
24 awaiting the ~~emergency~~ shelter hearing, the authorized agent
25 of the department may place the child in licensed shelter care
26 or may release the child to a parent, ~~guardian,~~ legal
27 custodian, caregiver, or responsible adult relative who shall
28 be given priority consideration over a licensed nonrelative
29 placement, or responsible adult approved by the department
30 when this is in the best interests of the child. Any placement
31 of a child which is not in a licensed shelter must be preceded

1 by a local and state criminal records check, as well as a
2 search of the department's automated abuse information system,
3 on all members of the household, to assess the child's safety
4 within the home. In addition, the department may authorize
5 placement of a housekeeper/homemaker in the home of a child
6 alleged to be dependent until the parent or legal custodian
7 assumes care of the child.

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

14 Section 41. Section 39.402, Florida Statutes, as
15 amended by chapter 97-276, Laws of Florida, is amended to
16 read:

17 39.402 Placement in a shelter.--

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

23 (a) The child has been abused, neglected, or
24 abandoned, or is suffering from or is in imminent danger of
25 illness or injury as a result of abuse, neglect, or
26 abandonment;

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

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

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

8 (3) Whenever a child is taken into custody, the
9 department shall immediately notify the parents or legal
10 custodians, shall provide the parents or legal custodians with
11 a statement setting forth a summary of procedures involved in
12 dependency cases, and shall notify them of their right to
13 obtain their own attorney.

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

18 (5)(a) The parents or legal custodians of the child
19 shall be given actual notice of the date, time, and location
20 of the ~~emergency~~ shelter hearing. If the parents or legal
21 custodians are outside the jurisdiction of the court, are not
22 known, or cannot be located or refuse or evade service, they
23 shall be given such notice as best ensures their actual
24 knowledge of the date, time, and location of the ~~emergency~~
25 shelter hearing. The person providing or attempting to
26 provide notice to the parents or legal custodians shall, if
27 the parents or legal custodians are not present at the
28 hearing, advise the court either in person or by sworn
29 affidavit, of the attempts made to provide notice and the
30 results of those attempts.

31

1 (b) The parents or legal custodians shall be given
2 written notice that:
3 ~~(b) At the emergency shelter hearing, the department~~
4 ~~must establish probable cause that reasonable grounds for~~
5 ~~removal exist and that the provision of appropriate and~~
6 ~~available services will not eliminate the need for placement.~~
7 1.(c) They will ~~The parents or legal custodians shall~~
8 be given an opportunity to be heard and to present evidence at
9 the ~~emergency~~ shelter hearing; and
10 2. They have the right to be represented by counsel,
11 and, if indigent, the right to be represented by appointed
12 counsel, at the shelter hearing and at each subsequent hearing
13 or proceeding, pursuant to the procedures set forth in s.
14 39.013.
15 ~~(6)(5)~~(a) The circuit court, or the county court, if
16 previously designated by the chief judge of the circuit court
17 for such purpose, shall hold the shelter hearing.
18 (b) The shelter petition filed with the court must
19 address each condition required to be determined by the court
20 in paragraphs (8)(a) and (b)~~subsection (7)~~.
21 ~~(7)(6)~~ A child may not be removed from the home or
22 continued out of the home pending disposition if, with the
23 provision of appropriate and available early intervention or
24 preventive services, including services provided in the home,
25 the child could safely remain at home. If the child's safety
26 and well-being are in danger, the child shall be removed from
27 danger and continue to be removed until the danger has passed.
28 If the child has been removed from the home and the reasons
29 for his or her removal have been remedied, the child may be
30 returned to the home. If the court finds that the prevention
31 or reunification efforts of the department will allow the

1 child to remain safely at home, the court shall allow the
2 child to remain in the home.

3 (8)(7)(a) A child may not be held in a shelter longer
4 than 24 hours unless an order so directing is entered by the
5 court after a ~~an emergency~~ shelter hearing. In the interval
6 until the shelter hearing is held, the decision to place the
7 child in a shelter or release the child from a shelter lies
8 with the protective investigator.~~At the emergency shelter~~
9 ~~hearing, the court shall appoint a guardian ad litem to~~
10 ~~represent the child unless the court finds that such~~
11 ~~representation is unnecessary.~~

12 (b) The parents or legal custodians of the child shall
13 be given such notice as best ensures their actual knowledge of
14 the time and place of the shelter hearing ~~and shall be given~~
15 ~~an opportunity to be heard and to present evidence at the~~
16 ~~emergency shelter hearing.~~ The failure to provide notice to a
17 party or participant does not invalidate an order placing a
18 child in a shelter if the court finds that the petitioner has
19 made a good faith effort to provide such notice.The court
20 shall require the parents or legal custodians present at the
21 hearing to provide to the court on the record the names,
22 addresses, and relationships of all parents, prospective
23 parents, and next of kin of the child, so far as are known.

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

25 1. Appoint a guardian ad litem to represent the child,
26 unless the court finds that such representation is
27 unnecessary;

28 2. Inform the parents or legal custodians of their
29 right to counsel to represent them at the shelter hearing and
30 at each subsequent hearing or proceeding, and the right of the
31

1 parents to appointed counsel, pursuant to the procedures set
2 forth in s. 39.013; and

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

5 (d) At the shelter hearing, the department must
6 establish probable cause that reasonable grounds for removal
7 exist and that the provision of appropriate and available
8 services will not eliminate the need for placement.

9 (e) At the shelter hearing, each party shall provide
10 to the court a permanent mailing address. The court shall
11 advise each party that this address will be used by the court
12 and the petitioner for notice purposes unless and until the
13 party notifies the court and the petitioner in writing of a
14 new mailing address.

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

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

20 2. That placement in shelter care is in the best
21 interest of the child.

22 3. That continuation of the child in the home is
23 contrary to the welfare of the child because the home
24 situation presents a substantial and immediate danger to the
25 child's physical, mental, or emotional health or safety ~~child~~
26 which cannot be mitigated by the provision of preventive
27 services.

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

31

1 5. That the department has made reasonable efforts to
2 prevent or eliminate the need for removal of the child from
3 the home. A finding of reasonable effort by the department to
4 prevent or eliminate the need for removal may be made and the
5 department is deemed to have made reasonable efforts to
6 prevent or eliminate the need for removal if:

7 a. The first contact of the department with the family
8 occurs during an emergency.

9 b. The appraisal of the home situation by the
10 department indicates that the home situation presents a
11 substantial and immediate danger to the child's physical,
12 mental, or emotional health or safety ~~child~~ which cannot be
13 mitigated by the provision of preventive services.

14 c. The child cannot safely remain at home, either
15 because there are no preventive services that can ensure the
16 health and safety of the child or because, even with
17 appropriate and available services being provided, the health
18 and safety of the child cannot be ensured.

19 6. That the court notified the parents or legal
20 custodians of the subsequent dependency proceedings, including
21 scheduled hearings, and of the importance of the active
22 participation of the parents or legal custodians in those
23 subsequent proceedings and hearings.

24 7. That the court notified the parents or legal
25 custodians of their right to counsel to represent them at the
26 shelter hearing and at each subsequent hearing or proceeding,
27 and the right of the parents to appointed counsel, pursuant to
28 the procedures set forth in s. 39.013.

29 ~~(c) The failure to provide notice to a party or~~
30 ~~participant does not invalidate an order placing a child in a~~
31

1 ~~shelter if the court finds that the petitioner has made a good~~
2 ~~faith effort to provide such notice.~~

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

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

10 (10) The shelter hearing order shall contain a written
11 determination as to whether the department has made a
12 reasonable effort to prevent or eliminate the need for removal
13 or continued removal of the child from the home. If the
14 department has not made such an effort, the court shall order
15 the department to provide appropriate and available services
16 to ensure the protection of the child in the home when such
17 services are necessary for the child's health and safety.

18 ~~(8) A child may not be held in a shelter under an~~
19 ~~order so directing for more than 21 days unless an order of~~
20 ~~adjudication for the case has been entered by the court. The~~
21 ~~parent, guardian, or custodian of the child must be notified~~
22 ~~of any order directing placement of the child in an emergency~~
23 ~~shelter and, upon request, must be afforded a hearing within~~
24 ~~48 hours, excluding Sundays and legal holidays, to review the~~
25 ~~necessity for continued placement in the shelter for any time~~
26 ~~periods as provided in this section. At any arraignment~~
27 ~~hearing or determination of emergency shelter care, the court~~
28 ~~shall determine visitation rights absent a clear and~~
29 ~~convincing showing that visitation is not in the best interest~~
30 ~~of the child, and the court shall make a written determination~~
31 ~~as to whether the department has made a reasonable effort to~~

1 ~~prevent or eliminate the need for removal or continued removal~~
2 ~~of the child from the home. If the department has not made~~
3 ~~such an effort, the court shall order the department to~~
4 ~~provide appropriate and available services to assure the~~
5 ~~protection of the child in the home when such services are~~
6 ~~necessary for the child's safety. Within 7 days after the~~
7 ~~child is taken into custody, a petition alleging dependency~~
8 ~~must be filed and, within 14 days after the child is taken~~
9 ~~into custody, an arraignment hearing must be held for the~~
10 ~~child's parent, guardian, or custodian to admit, deny, or~~
11 ~~consent to the findings of dependency alleged in the petition.~~

12 (11)~~(12)~~ If a ~~When~~ any child is placed in a shelter
13 pursuant to ~~under~~ a court order following a shelter hearing,
14 the court shall prepare a shelter hearing order requiring the
15 parents of the child, or the guardian of the child's estate,
16 if possessed of assets which under law may be disbursed for
17 the care, support, and maintenance of the child, to pay, to
18 the department or institution having custody of the child,
19 fees as established by the department. When the order affects
20 the guardianship estate, a certified copy of the order shall
21 be delivered to the judge having jurisdiction of the
22 guardianship estate.

23 (12) In the event the shelter hearing is conducted by
24 a judge other than the juvenile court judge, the juvenile
25 court judge shall hold a shelter review on the status of the
26 child within 2 working days after the shelter hearing.

27 (13)~~(9)~~ A child may not be held in a shelter under an
28 order so directing for more than 60 days without an
29 adjudication of dependency. A child may not be held in a
30 shelter for more than 30 days after the entry of an order of
31

1 adjudication unless an order of disposition ~~under s. 39.41~~ has
2 been entered by the court.

3 (14)~~(10)~~ The time limitations in this section
4 ~~subsection (8)~~ do not include:

5 (a) Periods of delay resulting from a continuance
6 granted at the request or with the consent of the child's
7 counsel or the child's guardian ad litem, if one has been
8 appointed by the court, or, if the child is of sufficient
9 capacity to express reasonable consent, at the request or with
10 the consent of the child's attorney or the child's guardian ad
11 litem, if one has been appointed by the court, and the child.

12 (b) Periods of delay resulting from a continuance
13 granted at the request of the attorney for the department, if
14 the continuance is granted:

15 1. Because of an unavailability of evidence material
16 to the case when the attorney for the department has exercised
17 due diligence to obtain such evidence and there are
18 substantial grounds to believe that such evidence will be
19 available within 30 days. However, if the department is not
20 prepared to present its case within 30 days, the parent or
21 legal custodian ~~guardian~~ may move for issuance of an order to
22 show cause or the court on its own motion may impose
23 appropriate sanctions, which may include dismissal of the
24 petition.

25 2. To allow the attorney for the department additional
26 time to prepare the case and additional time is justified
27 because of an exceptional circumstance.

28 (c) Reasonable periods of delay necessary to
29 accomplish notice of the hearing to the child's parents or
30 legal custodians; however, the petitioner shall continue
31

1 regular efforts to provide notice to the parents or legal
2 custodians during such periods of delay.

3 (d) Reasonable periods of delay resulting from a
4 continuance granted at the request of the parent or legal
5 custodian of a subject child.

6 (15) At the conclusion of a shelter hearing, the court
7 shall notify all parties in writing of the next scheduled
8 hearing to review the shelter placement. Such hearing shall be
9 held no later than 30 days after placement of the child in
10 shelter status, in conjunction with the arraignment hearing.

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

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

18 ~~(b) Prior to the court's granting any delay as~~
19 ~~specified in subsection (10):~~

20 Section 42. Section 39.407, Florida Statutes, is
21 amended to read:

22 39.407 Medical, psychiatric, and psychological
23 examination and treatment of child; physical or mental
24 examination of parent, ~~guardian~~, or person requesting custody
25 of child.--

26 (1) When any child is taken into custody and is to be
27 detained in shelter care, the department is authorized to have
28 a medical screening performed on the child without
29 authorization from the court and without consent from a parent
30 or legal custodian ~~guardian~~. Such medical screening shall be
31 performed by a licensed health care professional and shall be

1 to examine the child for injury, illness, and communicable
2 diseases and to determine the need for immunization. The
3 department shall by rule establish the invasiveness of the
4 medical procedures authorized to be performed under this
5 subsection. In no case does this subsection authorize the
6 department to consent to medical treatment for such children.

7 (2) When the department has performed the medical
8 screening authorized by subsection (1), or when it is
9 otherwise determined by a licensed health care professional
10 that a child who is in the custody of the department, but who
11 has not been committed to the department ~~pursuant to s. 39.41,~~
12 is in need of medical treatment, including the need for
13 immunization, consent for medical treatment shall be obtained
14 in the following manner:

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

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

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

28 (c) If a parent or legal custodian ~~guardian~~ of the
29 child is available but refuses to consent to the necessary
30 treatment, including immunization, a court order shall be
31 required unless the situation meets the definition of an

1 emergency in s. 743.064 or the treatment needed is related to
2 suspected abuse, abandonment, or neglect of the child by a
3 parent, caregiver, or legal custodian ~~or guardian~~. In such
4 case, the department shall have the authority to consent to
5 necessary medical treatment. This authority is limited to the
6 time reasonably necessary to obtain court authorization.

7

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

10 (3) A judge may order a child in the physical custody
11 of the department to be examined by a licensed health care
12 professional. The judge may also order such child to be
13 evaluated by a psychiatrist or a psychologist, by a district
14 school board educational needs assessment team, or, if a
15 developmental disability is suspected or alleged, by the
16 developmental disability diagnostic and evaluation team of the
17 department. If it is necessary to place a child in a
18 residential facility for such evaluation, then the criteria
19 and procedure established in s. 394.463(2) or chapter 393
20 shall be used, whichever is applicable. The educational needs
21 assessment provided by the district school board educational
22 needs assessment team shall include, but not be limited to,
23 reports of intelligence and achievement tests, screening for
24 learning disabilities and other handicaps, and screening for
25 the need for alternative education as defined in s. 230.23
26 ~~230.2315(2)~~.

27 (4) A judge may order a child in the physical custody
28 of the department to be treated by a licensed health care
29 professional based on evidence that the child should receive
30 treatment. The judge may also order such child to receive
31 mental health or retardation services from a psychiatrist,

1 psychologist, or other appropriate service provider. If it is
2 necessary to place the child in a residential facility for
3 such services, then the procedures and criteria established in
4 s. 394.467 or chapter 393 shall be used, whichever is
5 applicable. A child may be provided mental health or
6 retardation services in emergency situations, pursuant to the
7 procedures and criteria contained in s. 394.463(1) or chapter
8 393, whichever is applicable.

9 (5) When a child is in the physical custody of the
10 department, a licensed health care professional shall be
11 immediately called if there are indications of physical injury
12 or illness, or the child shall be taken to the nearest
13 available hospital for emergency care.

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

18 (7) Except as otherwise provided herein, nothing in
19 this section shall be deemed to alter the provisions of s.
20 743.064.

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

27 (9) Nothing in this section shall be construed to
28 authorize the permanent sterilization of the child unless such
29 sterilization is the result of or incidental to medically
30 necessary treatment to protect or preserve the life of the
31 child.

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

7 (11) The parents or legal custodian ~~guardian~~ of a
8 child in the physical custody of the department remain
9 financially responsible for the cost of medical treatment
10 provided to the child even if either one or both of the
11 parents or if the legal custodian ~~guardian~~ did not consent to
12 the medical treatment. After a hearing, the court may order
13 the parents or legal custodian ~~guardian~~, if found able to do
14 so, to reimburse the department or other provider of medical
15 services for treatment provided.

16 (12) Nothing in this section alters the authority of
17 the department to consent to medical treatment for a dependent
18 child when the child has been committed to the department
19 ~~pursuant to s. 39.41~~, and the department has become the legal
20 custodian of the child.

21 (13) At any time after the filing of a shelter
22 petition or petition for dependency, when the mental or
23 physical condition, including the blood group, of a parent,
24 caregiver, legal custodian ~~guardian~~, or other person
25 requesting custody of a child is in controversy, the court may
26 order the person to submit to a physical or mental examination
27 by a qualified professional. The order may be made only upon
28 good cause shown and pursuant to notice and procedures as set
29 forth by the Florida Rules of Juvenile Procedure.

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1 39.501 ~~39.404~~ Petition for dependency.--

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

7 (2) The purpose of a petition seeking the adjudication
8 of a child as a dependent child is the protection of the child
9 and not the punishment of the person creating the condition of
10 dependency.

11 (3)(a) The petition shall be in writing, shall
12 identify and list all parents, if known, and all current
13 caregivers or legal custodians of the child, and shall be
14 signed by the petitioner under oath stating the petitioner's
15 good faith in filing the petition. When the petition is filed
16 by the department, it shall be signed by an attorney for the
17 department.

18 (b) The form of the petition and its contents shall be
19 determined by rules of juvenile procedure adopted by the
20 Supreme Court.

21 (c) The petition must specifically set forth the acts
22 or omissions upon which the petition is based and the identity
23 of the person or persons alleged to have committed the acts or
24 omissions, if known. The petition need not contain allegations
25 of acts or omissions by both parents.

26 (d) The petitioner must state in the petition, if
27 known, whether:

28 1. A parent, legal custodian, or caregiver ~~person~~
29 ~~responsible for the child's welfare~~ named in the petition has
30 previously unsuccessfully participated in voluntary services
31 offered by the department;

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

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

7 4. The department has determined that voluntary
8 services are not appropriate for this family and the reasons
9 for such determination.

10 (4) When a child has been placed in shelter status by
11 order of the court ~~the child has been taken into custody~~, a
12 petition alleging dependency must be filed within 7 days upon
13 demand of a party, but no later than 21 days after the shelter
14 hearing ~~after the date the child is taken into custody~~. In all
15 other cases, the petition must be filed within a reasonable
16 time after the date the child was referred to protective
17 investigation ~~under s. 39.403~~. The child's parent, guardian,
18 or custodian must be served with a copy of the petition at
19 least 72 hours before the arraignment hearing.

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

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

25 39.502 ~~39.405~~ Notice, process, and service.--

26 (1) Unless parental rights have been terminated, all
27 parents and legal custodians must be notified of all
28 proceedings or hearings involving the child. Notice in cases
29 involving shelter hearings and hearings resulting from medical
30 emergencies must be that most likely to result in actual
31 notice to the parents and legal custodians. In all other

1 dependency proceedings, notice must be provided in accordance
2 with subsections (4) through (9).

3 (2) Personal appearance of any person in a hearing
4 before the court obviates the necessity of serving process on
5 that person.

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

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

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

16 (6) It is the duty of the petitioner or moving party
17 to notify all participants and parties known to the petitioner
18 or moving party of all hearings subsequent to the initial
19 hearing unless notice is contained in prior court orders and
20 these orders were provided to the participant or party. Proof
21 of notice or provision of orders may be provided by certified
22 mail with a signed return receipt.

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

26 (8) It is not necessary to the validity of a
27 proceeding covered by this part that the parents, caregivers,
28 or legal custodians be present if their identity or residence
29 is unknown after a diligent search has been made, but in this
30 event the petitioner shall file an affidavit of diligent

1 search prepared by the person who made the search and inquiry,
2 and the court may appoint a guardian ad litem for the child.

3 (9) When an affidavit of diligent search has been
4 filed under subsection (8), the petitioner shall continue to
5 search for and attempt to serve the person sought until
6 excused from further search by the court. The petitioner shall
7 report on the results of the search at each court hearing
8 until the person is identified or located or further search is
9 excused by the court.

10 (10)~~(9)~~ Service by publication shall not be required
11 for dependency hearings and the failure to serve a party or
12 give notice to a participant shall not affect the validity of
13 an order of adjudication or disposition if the court finds
14 that the petitioner has completed a diligent search for that
15 party or participant.

16 (11)~~(10)~~ Upon the application of a party or the
17 petitioner, the clerk or deputy clerk shall issue, and the
18 court on its own motion may issue, subpoenas requiring
19 attendance and testimony of witnesses and production of
20 records, documents, and other tangible objects at any hearing.

21 (12)~~(11)~~ All process and orders issued by the court
22 shall be served or executed as other process and orders of the
23 circuit court and, in addition, may be served or executed by
24 authorized agents of the department or the guardian ad litem.

25 (13)~~(12)~~ Subpoenas may be served within the state by
26 any person over 18 years of age who is not a party to the
27 proceeding and, in addition, may be served by authorized
28 agents of the department.

29 (14)~~(13)~~ No fee shall be paid for service of any
30 process or other papers by an agent of the department or the
31 guardian ad litem. If any process, orders, or any other papers

1 are served or executed by any sheriff, the sheriff's fees
2 shall be paid by the county.

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

13 (15) A party who is identified as a person with mental
14 illness or with a developmental disability ~~developmentally~~
15 ~~disabled person~~ must be informed by the court of the
16 availability of advocacy services through the department, the
17 Association for Retarded Citizens, or other appropriate mental
18 health or developmental disability advocacy groups and
19 encouraged to seek such services.

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

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

27 (18) In all proceedings under this chapter, the court
28 shall provide to the parent or legal custodian of the child,
29 at the conclusion of any hearing, a written notice containing
30 the date of the next scheduled hearing. The court shall also
31

1 include the date of the next hearing in any order issued by
2 the court.

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

6 39.503 ~~39.4051~~ Identity or location of parent or legal
7 custodian unknown; special procedures.--

8 (1) If the identity or location of a parent or legal
9 custodian is unknown and a petition for dependency or shelter
10 is filed, the court shall conduct the following inquiry of the
11 parent or legal custodian who is available, or, if no parent
12 or legal custodian is available, of any relative or custodian
13 of the child who is present at the hearing and likely to have
14 the information:

15 (a) Whether the mother of the child was married at the
16 probable time of conception of the child or at the time of
17 birth of the child.

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

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

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

26 (e) Whether any man has acknowledged or claimed
27 paternity of the child in a jurisdiction in which the mother
28 resided at the time of or since conception of the child, or in
29 which the child has resided or resides.

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

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

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

10 (5) If the inquiry under subsection (1) identifies a
11 parent or prospective parent, and that person's location is
12 unknown, the court shall direct the department to ~~shall~~
13 conduct a diligent search for that person before ~~the~~
14 scheduling ~~of~~ a disposition hearing regarding the dependency
15 of the child unless the court finds that the best interest of
16 the child requires proceeding without notice to the person
17 whose location is unknown.

18 (6) The diligent search required by subsection (5)
19 must include, at a minimum, inquiries of all relatives of the
20 parent or prospective parent made known to the petitioner,
21 inquiries of all offices of program areas of the department
22 likely to have information about the parent or prospective
23 parent, inquiries of other state and federal agencies likely
24 to have information about the parent or prospective parent,
25 inquiries of appropriate utility and postal providers, and
26 inquiries of appropriate law enforcement agencies. Pursuant to
27 s. 453 of the Social Security Act, 42 U.S.C. 653(c)(B)(4), the
28 department, as the state agency administering Titles IV-B and
29 IV-E of the act, shall be provided access to the federal and
30 state parent locator service for diligent search activities.
31

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

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

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

24 39.504 ~~39.4055~~ Injunction pending disposition of
25 petition for detention or dependency; penalty.--

26 (2)~~(a)~~ Notice shall be provided to the parties as set
27 forth in the Florida Rules of Juvenile Procedure, unless the
28 child is reported to be in imminent danger, in which case the
29 court may issue an injunction immediately. A judge may issue
30 an emergency injunction pursuant to this section without
31 notice at times when the court is closed for the transaction

1 of judicial business.When such an immediate injunction is
2 issued, the court shall hold a hearing on the next day of
3 judicial business either to dissolve the injunction or to
4 continue or modify it in accordance with the other provisions
5 of this section.

6 ~~(b) A judge may issue an emergency injunction pursuant~~
7 ~~to this section at times when the court is closed for the~~
8 ~~transaction of judicial business. The court shall hold a~~
9 ~~hearing on the next day of judicial business either to~~
10 ~~dissolve the emergency injunction or to continue or modify it~~
11 ~~in accordance with the other provisions of this section.~~

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

20 Section 49. Section 39.406, Florida Statutes, is
21 renumbered as section 39.505, Florida Statutes, and amended to
22 read:

23 39.505 ~~39.406~~ No answer required.--No answer to the
24 petition or any other pleading need be filed by any child,
25 parent, or legal custodian, but any matters which might be set
26 forth in an answer or other pleading may be pleaded orally
27 before the court or filed in writing as any such person may
28 choose. Notwithstanding the filing of an answer or any
29 pleading, the respondent ~~child or parent~~ shall, prior to an
30 adjudicatory hearing, be advised by the court of the right to
31 counsel and shall be given an opportunity to deny the

1 allegations in the petition for dependency or to enter a plea
2 to allegations in the petition before the court.

3 Section 50. Subsection (1) of section 39.408, Florida
4 Statutes, is renumbered as section 39.506, Florida Statutes,
5 and amended to read:

6 39.506 ~~39.408~~ Arrestment hearings for ~~dependency~~
7 ~~cases~~.--

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

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

23 (2)(b) When a child is in the custody of the parent,
24 ~~guardian~~, or legal custodian, upon the filing of a petition
25 the clerk shall set a date for an arrestment hearing within a
26 reasonable time after the date of the filing. If the parent,
27 ~~guardian~~, or legal custodian admits or consents to an
28 adjudication, the court shall proceed as set forth in the
29 Florida Rules of Juvenile Procedure. However, if the parent,
30 ~~guardian~~, or legal custodian denies any of the allegations of
31 dependency, the court shall hold an adjudicatory hearing

1 within a reasonable time after the date of the arraignment
2 hearing.

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

14 (4) At the arraignment hearing, each party shall
15 provide to the court a permanent mailing address. The court
16 shall advise each party that this address will be used by the
17 court and the petitioner for notice purposes unless and until
18 the party notifies the court and the petitioner in writing of
19 a new mailing address.

20 (5)~~(c)~~ If at the arraignment hearing the parent,
21 guardian, or legal custodian consents or admits to the
22 allegations in the petition, the court shall proceed to hold a
23 dispositional hearing no more than 15 days after the date of
24 the arraignment hearing unless a continuance is necessary at
25 the earliest practicable time that will allow for the
26 completion of a predisposition study.

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

30 (7) The court shall review whether the department has
31 made a reasonable effort to prevent or eliminate the need for

1 removal or continued removal of the child from the home. If
2 the court determines that the department has not made such an
3 effort, the court shall order the department to provide
4 appropriate and available services to assure the protection of
5 the child in the home when such services are necessary for the
6 child's physical, mental, or emotional health and safety.

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

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

18 Section 51. Subsection (2) of section 39.408, Florida
19 Statutes, and section 39.409, Florida Statutes, are renumbered
20 as section 39.507, Florida Statutes, and amended to read:

21 39.507 39.408 Adjudicatory hearings; orders of
22 adjudication Hearings for dependency cases.--

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

24 (1)(a) The adjudicatory hearing shall be held as soon
25 as practicable after the petition for dependency is filed and
26 in accordance with the Florida Rules of Juvenile Procedure,
27 but no later than 30 days after the arraignment, reasonable
28 delay for the purpose of investigation, discovery, or
29 procuring counsel or witnesses shall, whenever practicable,
30 be granted. If the child is in custody, the time limitations
31

1 ~~provided in s. 39.402 and subsection (1) of this section~~
2 ~~apply.~~
3 (b) Adjudicatory hearings shall be conducted by the
4 judge without a jury, applying the rules of evidence in use in
5 civil cases and adjourning the hearings from time to time as
6 necessary. In a hearing on a petition in which it is alleged
7 that the child is dependent, a preponderance of evidence will
8 be required to establish the state of dependency. Any evidence
9 presented in the dependency hearing which was obtained as the
10 result of an anonymous call must be independently
11 corroborated. In no instance shall allegations made in an
12 anonymous report of abuse, abandonment, or neglect be
13 sufficient to support an adjudication of dependency in the
14 absence of corroborating evidence.
15 ~~(2)(c)~~ All hearings, except as provided in this
16 section, shall be open to the public, and a person may not be
17 excluded except on special order of the judge, who may close
18 any hearing to the public upon determining that the public
19 interest or the welfare of the child is best served by so
20 doing. However, the parents shall be allowed to obtain
21 discovery pursuant to the Florida Rules of Juvenile Procedure.
22 However, nothing in this subsection ~~paragraph~~ shall be
23 construed to affect the provisions of s. 39.202 ~~415.51(9)~~.
24 Hearings involving more than one child may be held
25 simultaneously when the children involved are related to each
26 other or were involved in the same case. The child and the
27 parents, caregivers, or legal custodians of the child may be
28 examined separately and apart from each other.
29 (3) Except as otherwise specifically provided, nothing
30 in this section prohibits the publication of the proceedings
31 in a hearing.

1 ~~39.409 Orders of adjudication.~~

2 (4)(1) If the court finds at the adjudicatory hearing

3 that the child named in a petition is not dependent, it shall

4 enter an order so finding and dismissing the case.

5 (5)(2) If the court finds that the child named in the

6 petition is dependent, but finds that no action other than

7 supervision in the child's home is required, it may enter an

8 order briefly stating the facts upon which its finding is

9 based, but withholding an order of adjudication and placing

10 the child's home under the supervision of the department. If

11 the court later finds that the parents, caregivers, or legal

12 custodians of the child have not complied with the conditions

13 of supervision imposed, the court may, after a hearing to

14 establish the noncompliance, but without further evidence of

15 the state of dependency, enter an order of adjudication and

16 shall thereafter have full authority under this chapter to

17 provide for the child as adjudicated.

18 (6)(3) If the court finds that the child named in a

19 petition is dependent, but shall elect not to proceed under

20 subsection(5)(2), it shall incorporate that finding in an

21 order of adjudication entered in the case, briefly stating the

22 facts upon which the finding is made, and the court shall

23 thereafter have full authority under this chapter to provide

24 for the child as adjudicated.

25 (7) At the conclusion of the adjudicatory hearing, if

26 the child named in the petition is found dependent, the court

27 shall schedule the disposition hearing within 30 days after

28 the filing of the adjudicatory order. All parties shall be

29 notified in writing by the court of the date, time, and

30 location of the disposition hearing.

31

1 ~~(8)(4)~~ An order of adjudication by a court that a
2 child is dependent shall not be deemed a conviction, nor shall
3 the child be deemed to have been found guilty or to be a
4 criminal by reason of that adjudication, nor shall that
5 adjudication operate to impose upon the child any of the civil
6 disabilities ordinarily imposed by or resulting from
7 conviction or disqualify or prejudice the child in any civil
8 service application or appointment.

9 Section 52. Subsections (3) and (4) of section 39.408,
10 Florida Statutes, and section 39.41, Florida Statutes, as
11 amended by chapter 97-276, Laws of Florida, are renumbered as
12 section 39.508, Florida Statutes, and amended to read:

13 39.508 ~~39.408~~ Disposition hearings; powers of
14 disposition ~~Hearings for dependency cases.--~~

15 ~~(1)(3) DISPOSITION HEARING.--~~At the disposition
16 hearing, if the court finds that the facts alleged in the
17 petition for dependency were proven in the adjudicatory
18 hearing, or if the parents, caregivers, or legal custodians
19 have consented to the finding of dependency or admitted the
20 allegations in the petition, have failed to appear for the
21 arraignment hearing after proper notice, or have not been
22 located despite a diligent search having been conducted, the
23 court shall receive and consider a case plan and a
24 predisposition study, which must be in writing and presented
25 by an authorized agent of the department.

26 ~~(2)(a)~~ The predisposition study shall cover for any
27 dependent child all factors specified in s. 61.13(3), and must
28 also provide the court with the following documented
29 information:
30
31

- 1 ~~(a)1.~~ An assessment defining the dangers and risks of
2 returning the child home, including a description of the
3 changes in and resolutions to the initial risks.
- 4 ~~(b)2.~~ A description of what risks are still present
5 and what resources are available and will be provided for the
6 protection and safety of the child.
- 7 ~~(c)3.~~ A description of the benefits of returning the
8 child home.
- 9 ~~(d)4.~~ A description of all unresolved issues.
- 10 ~~(e)5.~~ An abuse registry history and criminal records
11 check for all caregivers ~~caretakers~~, family members, and
12 individuals residing within the household.
- 13 ~~(f)6.~~ The complete child protection team report and
14 recommendation or, if no report exists, a statement reflecting
15 that no report has been made.
- 16 ~~(g)7.~~ All opinions or recommendations from other
17 professionals or agencies that provide evaluative, social,
18 reunification, or other services to the family.
- 19 ~~(h)8.~~ The availability of appropriate prevention and
20 reunification services for the family to prevent the removal
21 of the child from the home or to reunify the child with the
22 family after removal, including the availability of family
23 preservation services through the Family Builders Program, the
24 Intensive Crisis Counseling Program, or both.
- 25 ~~(i)9.~~ The inappropriateness of other prevention and
26 reunification services that were available.
- 27 ~~(j)10.~~ The efforts by the department to prevent
28 out-of-home placement of the child or, when applicable, to
29 reunify the family if appropriate services were available,
30 including the application of intensive family preservation
31

1 services through the Family Builders Program, the Intensive
2 Crisis Counseling Program, or both.

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

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

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

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

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

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

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

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

26
27 Any other relevant and material evidence, including other
28 written or oral reports, may be received by the court in its
29 effort to determine the action to be taken with regard to the
30 child and may be relied upon to the extent of its probative
31 value, even though not competent in an adjudicatory hearing.

1 Except as otherwise specifically provided, nothing in this
2 section prohibits the publication of proceedings in a hearing.
3 (3)(a) Prior to recommending to the court any
4 out-of-home placement for a child other than placement in a
5 licensed shelter or foster home, the department shall conduct
6 a study of the home of the proposed caregivers, which must
7 include, at a minimum:
8 1. An interview with the proposed adult caregivers to
9 assess their ongoing commitment and ability to care for the
10 child.
11 2. Records checks through the department's automated
12 abuse information system, and local and statewide criminal and
13 juvenile records checks through the Department of Law
14 Enforcement, on all household members 12 years of age or older
15 and any other persons made known to the department who are
16 frequent visitors in the home.
17 3. An assessment of the physical environment of the
18 home.
19 4. A determination of the financial security of the
20 proposed caregivers.
21 5. A determination of suitable child care arrangements
22 if the proposed caregivers are employed outside of the home.
23 6. Documentation of counseling and information
24 provided to the proposed caregivers regarding the dependency
25 process and possible outcomes.
26 7. Documentation that information regarding support
27 services available in the community has been provided to the
28 caregivers.
29 (b) The department shall not place the child or
30 continue the placement of the child in the home of the
31

1 proposed caregivers if the results of the home study are
2 unfavorable.

3 ~~(4)(b)~~ If placement of the child with anyone other
4 than the child's parent, caregiver, or legal custodian is
5 being considered, the predisposition study shall include the
6 designation of a specific length of time as to when custody by
7 the parent, caregiver, or legal custodian will be
8 reconsidered.

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

12 ~~(5)(d)~~ The predisposition study may not be made before
13 the adjudication of dependency unless the parents, caregivers,
14 or legal custodians of the child consent.

15 (6) A case plan and predisposition study must be filed
16 with the court and served upon the parents, caregivers, or
17 legal custodians of the child, provided to the representative
18 of the guardian ad litem program, if the program has been
19 appointed, and provided to all other parties not less than 48
20 hours before the disposition hearing. All such case plans must
21 be approved by the court. If the court does not approve the
22 case plan at the disposition hearing, the court must set a
23 hearing within 30 days after the disposition hearing to review
24 and approve the case plan.

25 (7) The initial judicial review must be held no later
26 than 90 days after the date of the disposition hearing or
27 after the date of the hearing at which the court approves the
28 case plan, but in no event shall the review be held later than
29 6 months after the date of the child's removal from the home.

30
31

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

8 ~~(4) NOTICE OF HEARINGS.--The parent or legal custodian~~
9 ~~of the child, the attorney for the department, the guardian ad~~
10 ~~litem, and all other parties and participants shall be given~~
11 ~~reasonable notice of all hearings provided for under this~~
12 ~~section.~~

13 ~~39.41 Powers of disposition.--~~

14 ~~(8)(1)~~ When any child is adjudicated by a court to be
15 dependent, and the court finds that removal of the child from
16 the custody of a parent, legal custodian, or caregiver is
17 necessary, the court shall first determine whether there is a
18 parent with whom the child was not residing at the time the
19 events or conditions arose that brought the child within the
20 jurisdiction of the court who desires to assume custody of the
21 child and, if such parent requests custody, the court shall
22 place the child with the parent unless it finds that such
23 placement would endanger the safety, and well-being, or
24 physical, mental, or emotional health of the child. Any party
25 with knowledge of the facts may present to the court evidence
26 regarding whether the placement will endanger the safety, and
27 well-being, or physical, mental, or emotional health of the
28 child. If the court places the child with such parent, it may
29 do either of the following:

30 (a) Order that the parent become the legal and
31 physical custodian of the child. The court may also provide

1 for reasonable visitation by the noncustodial parent. The
2 court shall then terminate its jurisdiction over the child.
3 The custody order shall continue unless modified by a
4 subsequent order of the court. The order of the juvenile court
5 shall be filed in any dissolution or other custody action or
6 proceeding between the parents.

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

25 (9)(2)(a) When any child is adjudicated by a court to
26 be dependent, the court having jurisdiction of the child has
27 the power, by order, to:

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

31

1 2. Require the parent, caregiver, or legal guardian,
2 ~~or~~ custodian, and the child when appropriate, to participate
3 in mediation if the parent, caregiver, or legal guardian, or
4 custodian refused to participate in mediation ~~under s.~~
5 ~~39.4033.~~

6 3. Place the child under the protective supervision of
7 an authorized agent of the department, either in the child's
8 own home or, the prospective custodian being willing, in the
9 home of a relative of the child or of a caregiver ~~an adult~~
10 ~~nonrelative~~ approved by the court, or in some other suitable
11 place under such reasonable conditions as the court may
12 direct. ~~Whenever the child is placed under protective~~
13 ~~supervision pursuant to this section, the department shall~~
14 ~~prepare a case plan and shall file it with the court.~~
15 Protective supervision continues until the court terminates it
16 or until the child reaches the age of 18, whichever date is
17 first. Protective supervision shall ~~may~~ be terminated by the
18 court whenever the court determines that permanency has been
19 achieved for the child ~~the child's placement~~, whether with a
20 parent, another relative, a legal custodian, or a caregiver,
21 ~~or a nonrelative, is stable~~ and that protective supervision is
22 no longer needed. The termination of supervision may be with
23 or without retaining jurisdiction, at the court's discretion,
24 and shall in either case be considered a permanency option for
25 the child. The order terminating supervision by the
26 department ~~of Children and Family Services~~ shall set forth the
27 powers of the custodian of the child and shall include the
28 powers ordinarily granted to a guardian of the person of a
29 minor unless otherwise specified.
30
31

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

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

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

17 (II) The case plan for the child does not include
18 reunification with the parents or adoption by the relative or
19 caregiver.

20 (III) The child and the relative or caregiver
21 ~~nonrelative custodian~~ are determined not to need protective
22 supervision or preventive services to ensure the stability of
23 the long-term custodial relationship, or the department
24 assures the court that protective supervision or preventive
25 services will be provided in order to ensure the stability of
26 the long-term custodial relationship.

27 (IV) Each party to the proceeding agrees that a
28 long-term custodial relationship does not preclude the
29 possibility of the child returning to the custody of the
30 parent at a later date.

31

1 (V) The court has considered the reasonable preference
2 of the child if the court has found the child to be of
3 sufficient intelligence, understanding, and experience to
4 express a preference.

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

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

28 6.a. Approve placement of the child in long-term
29 out-of-home ~~foster~~ care, when the following conditions are
30 met:
31

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

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

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

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

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

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

16 (II) The child is living in a licensed home and the
17 foster parents desire to provide care for the child on a
18 permanent basis and the foster parents and the child do not
19 desire adoption,

20 (III) The foster family has made a commitment to
21 provide for the child until he or she reaches the age of
22 majority and to prepare the child for adulthood and
23 independence, and

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

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

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

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

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

28 ~~7. Commit the child to a licensed child-caring agency~~
29 ~~willing to receive the child. Continued commitment to the~~
30 ~~licensed child-caring agency, as well as all other proceedings~~
31

1 ~~under this section pertaining to the child, are also governed~~
2 ~~by part V of this chapter.~~

3 7.8. Commit the child to the temporary legal custody
4 of the department. Such commitment invests in the department
5 all rights and responsibilities of a legal custodian. The
6 department shall not return any child to the physical care and
7 custody of the person from whom the child was removed, except
8 for short visitation periods, without the approval of the
9 court. The term of such commitment continues until terminated
10 by the court or until the child reaches the age of 18. After
11 the child is committed to the temporary custody of the
12 department, all further proceedings under this section are
13 also governed by ~~part V~~ of this chapter.

14 8.9-a. Change the temporary legal custody or the
15 conditions of protective supervision at a postdisposition
16 hearing subsequent to the initial detention hearing, without
17 the necessity of another adjudicatory hearing. A child who has
18 been placed in the child's own home under the protective
19 supervision of an authorized agent of the department, in the
20 home of a relative, in the home of a legal custodian or
21 caregiver ~~nonrelative~~, or in some other place may be brought
22 before the court by the agent of the department who is
23 supervising the placement or by any other interested person,
24 upon the filing of a petition alleging a need for a change in
25 the conditions of protective supervision or the placement. If
26 the parents or other custodians deny the need for a change,
27 the court shall hear all parties in person or by counsel, or
28 both. Upon the admission of a need for a change or after such
29 hearing, the court shall enter an order changing the
30 placement, modifying the conditions of protective supervision,
31 or continuing the conditions of protective supervision as

1 ordered. The standard for changing custody of the child from
2 one parent to another or to a relative or caregiver must meet
3 the home study criteria and court approval pursuant to this
4 chapter.

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

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

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

26 1. The placement or custody of the child as provided
27 in paragraph (a).

28 2. Special conditions of placement and visitation.

29 3. Evaluation, counseling, treatment activities, and
30 other actions to be taken by the parties, if ordered.

31

1 4. The persons or entities responsible for supervising
2 or monitoring services to the child and family.

3 5. Continuation or discharge of the guardian ad litem,
4 as appropriate.

5 6. The date, time, and location of the next scheduled
6 review hearing, which must occur within 90 days after the
7 disposition hearing or within the earlier of:

8 a. Six months after the date of the last review
9 hearing; or

10 b. Six months after the date of the child's removal
11 from his or her home, if no review hearing has been held since
12 the child's removal from the home.~~The period of time or date~~
13 ~~for any subsequent case review required by law.~~

14 7. Other requirements necessary to protect the health,
15 safety, and well-being of the child, to preserve the stability
16 of the child's educational placement,and to promote family
17 preservation or reunification whenever possible.

18 (c) If the court finds that the prevention or
19 reunification efforts of the department will allow the child
20 to remain safely at home or be safely returned to the home,
21 the court shall allow the child to remain in or return to the
22 home after making a specific finding of fact that the reasons
23 for removal have been remedied to the extent that the child's
24 safety, and well-being, and physical, mental, and emotional
25 health will not be endangered.

26 ~~(d)(5)(a)~~ If the court commits the child to the
27 temporary legal custody of the department, the disposition
28 order must include a written determination that the child
29 cannot safely remain at home with reunification or family
30 preservation services and that removal of the child is
31 necessary to protect the child. If the child has been removed

1 before the disposition hearing, the order must also include a
2 written determination as to whether, after removal, the
3 department has made a reasonable effort to reunify the family.
4 The department has the burden of demonstrating that it has
5 made reasonable efforts under this paragraph subsection.

6 1.(b) For the purposes of this paragraph subsection,
7 the term "reasonable effort" means the exercise of reasonable
8 diligence and care by the department to provide the services
9 delineated in the case plan.

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

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

14 b.2. If prevention or reunification efforts were
15 indicated, include a brief written description of what
16 appropriate and available prevention and reunification efforts
17 were made.

18 c.3. Indicate in writing why further efforts could or
19 could not have prevented or shortened the separation of the
20 family.

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

24 a.1. The first contact of the department with the
25 family occurs during an emergency.

26 b.2. The appraisal by the department of the home
27 situation indicates that it presents a substantial and
28 immediate danger to the child's safety or physical, mental, or
29 emotional health ~~child~~ which cannot be mitigated by the
30 provision of preventive services.

31

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

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

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

19 ~~(10)(3)~~(a) When any child is adjudicated by the court
20 to be dependent and temporary legal custody of the child has
21 been placed with an adult relative, legal custodian, or
22 caregiver ~~or adult nonrelative~~ approved by the court ~~willing~~
23 ~~to care for the child~~, a licensed child-caring agency, or the
24 department, the court shall, unless a parent has voluntarily
25 executed a written surrender for purposes of adoption, order
26 the parents, or the guardian of the child's estate if
27 possessed of assets which under law may be disbursed for the
28 care, support, and maintenance of the child, to pay child
29 support to the adult relative, legal custodian, or caregiver
30 ~~or nonrelative~~ caring for the child, the licensed child-caring
31 agency, or the department. The court may exercise jurisdiction

1 over all child support matters, shall adjudicate the financial
2 obligation, including health insurance, of the child's parents
3 or guardian, and shall enforce the financial obligation as
4 provided in chapter 61. The state's child support enforcement
5 agency shall enforce child support orders under this section
6 in the same manner as child support orders under chapter 61.

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

9 (11)~~(4)~~(a) If the court does not commit the child to
10 the temporary legal custody of an adult relative, legal
11 custodian, or caregiver ~~or adult nonrelative~~ approved by the
12 court, the disposition order shall include the reasons for
13 such a decision and shall include a determination as to
14 whether diligent efforts were made by the department to locate
15 an adult relative, legal custodian, or caregiver willing to
16 care for the child in order to present that placement option
17 to the court instead of placement with the department.

18 (b) If diligent efforts are ~~a diligent search is~~ made
19 to locate an adult relative willing and able to care for the
20 child but, because no suitable relative is found, the child is
21 placed with the department or a legal custodian or caregiver
22 ~~nonrelative custodian~~, both the department and the court shall
23 consider transferring temporary legal custody to an ~~a~~ willing
24 adult relative ~~or adult nonrelative~~ approved by the court at a
25 later date, but neither the department nor the court is
26 obligated to so place the child if it is in the child's best
27 interest to remain in the current placement. For the purposes
28 of this paragraph, "diligent efforts to locate an adult
29 relative" means a search similar to the diligent search for a
30 parent, but without the continuing obligation to search after
31 an initial adequate search is completed.

1 (12)~~(6)~~ An agency granted legal custody shall have the
2 right to determine where and with whom the child shall live,
3 but an individual granted legal custody shall exercise all
4 rights and duties personally unless otherwise ordered by the
5 court.

6 (13)~~(7)~~ In carrying out the provisions of this
7 chapter, the court may order the natural parents, caregivers,
8 or legal custodians ~~guardian~~ of a child who is found to be
9 dependent to participate in family counseling and other
10 professional counseling activities deemed necessary for the
11 rehabilitation of the child.

12 (14)~~(8)~~ With respect to a child who is the subject in
13 proceedings under ~~part V of~~ this chapter, the court shall
14 issue to the department an order to show cause why it should
15 not return the child to the custody of the natural parents,
16 legal custodians, or caregivers upon expiration of the case
17 plan, or sooner if the parents, legal custodians, or
18 caregivers have substantially complied with the case plan.

19 (15)~~(9)~~ The court may at any time enter an order
20 ending its jurisdiction over any child, except that, when a
21 child has been returned to the parents under subsection(14)
22 ~~(8)~~, the court shall not terminate its jurisdiction over the
23 child until 6 months after the child's return. Based on a
24 report of the department or agency or the child's guardian ad
25 litem, and any other relevant factors, the court shall then
26 determine whether its jurisdiction should be continued or
27 terminated in such a case; if its jurisdiction is to be
28 terminated, the court shall enter an order to that effect.

29 Section 53. Section 39.5085, Florida Statutes, is
30 created to read:

31 39.5085 Relative Caregiver Program.--

1 (1) It is the intent of the Legislature in enacting
2 this section to:

3 (a) Recognize family relationships in which a
4 grandparent or other relative is the head of a household which
5 includes a child otherwise at risk of the trauma of
6 out-of-home placement, through removing barriers to such
7 family relationships such as foster care licensing
8 requirements and lack of financial assistance.

9 (b) Enhance family preservation and stability by
10 recognizing that children in such long-term stable placements
11 with grandparents or other relatives do not need continued
12 government supervision of the placement by the courts or the
13 child protection system.

14 (c) Provide additional placement options and
15 incentives that will achieve permanency and stability for many
16 children who are otherwise at risk of the trauma of entering
17 the child protection system because of abuse, abandonment, or
18 neglect, but who may be able to be successfully placed by the
19 courts or the child protection system in the care of
20 relatives.

21 (d) Reserve the limited casework and supervisory
22 resources of the courts and the child protection system for
23 those cases in which children do not have the option for safe,
24 stable care within the family.

25 (2)(a) The department shall establish and operate the
26 Relative Caregiver Program to provide financial assistance to
27 relatives, within the fifth degree by blood or marriage to the
28 parent or stepparent of a child, who are caring full-time for
29 that child in the role of substitute parent as a result of a
30 departmental determination and subsequent court order with a
31 finding that it is contrary to the child's best interest for

1 the child to remain at home. The Relative Caregiver Program
2 shall offer financial assistance to relative caregivers who
3 would be unable to serve in such capacity without the relative
4 caregiver benefit payment because of the financial burden,
5 thus exposing the child to the trauma of placement in shelter
6 or foster care.

7 (b) Relative caregivers who receive assistance under
8 this section must be capable, as determined by a home study,
9 of providing a physically safe environment and a stable,
10 supportive home for the children under their care. Relatives
11 who qualify for the Relative Caregiver Program shall be exempt
12 from foster care licensing requirements under s. 409.175.

13 (c) Relative caregivers who are caring for children
14 placed with them by the child protection system shall receive
15 a special monthly relative caregiver benefit payment. The
16 relative caregiver shall ensure that requirements for the
17 child's well-being, including immunizations, education, and
18 mental health services, can be met. The amount of the special
19 benefit payment shall be based on the child's age and needed
20 care. Relative caregivers shall receive a monthly benefit
21 payment according to their financial need and the risk to the
22 child of out-of-home placement, under eligibility criteria
23 established by the department. Children receiving cash
24 benefits under this section shall not be eligible to
25 simultaneously receive WAGES cash benefits under s. 414.095.

26 (d) Within available funding, the department shall
27 provide relative caregivers with family support and family
28 preservation services, flexible funds in accordance with s.
29 409.165, subsidized child care, and other services which would
30 otherwise be available to children in foster care, to support
31 the child's safety, growth, and healthy development.

1 (e) Children living with relative caregivers who are
2 receiving assistance under this section shall be eligible to
3 receive the same medical coverage available for children in
4 foster care.

5 (f) The department is authorized to maximize the use
6 of federal funds under Title IV-E of the Social Security Act
7 and the Temporary Assistance For Needy Families program, as
8 well as other appropriate state, federal, and private funds,
9 to operate the Relative Caregiver Program. For each child
10 served, the cost of providing the assistance and services
11 described in this section shall not exceed the cost of
12 providing out-of-home care in shelter or foster care.

13 Section 54. Section 39.4105, Florida Statutes, is
14 renumbered as section 39.509, Florida Statutes, and amended to
15 read:

16 39.509 ~~39.4105~~ Grandparents rights.--Notwithstanding
17 any other provision of law, a maternal or paternal grandparent
18 as well as a stepgrandparent is entitled to reasonable
19 visitation with his or her grandchild who has been adjudicated
20 a dependent child and taken from the physical custody of the
21 ~~his or her~~ parent, custodian, legal guardian, or caregiver
22 unless the court finds that such visitation is not in the best
23 interest of the child or that such visitation would interfere
24 with the goals of the case plan ~~pursuant to s. 39.451~~.
25 Reasonable visitation may be unsupervised and, where
26 appropriate and feasible, may be frequent and continuing.

27 (1) Grandparent visitation may take place in the home
28 of the grandparent unless there is a compelling reason for
29 denying such a visitation. The department's caseworker shall
30 arrange the visitation to which a grandparent is entitled
31 pursuant to this section. The state shall not charge a fee

1 for any costs associated with arranging the visitation.
2 However, the grandparent shall pay for the child's cost of
3 transportation when the visitation is to take place in the
4 grandparent's home. The caseworker shall document the reasons
5 for any decision to restrict a grandparent's visitation.

6 (2) A grandparent entitled to visitation pursuant to
7 this section shall not be restricted from appropriate displays
8 of affection to the child, such as appropriately hugging or
9 kissing his or her grandchild. Gifts, cards, and letters from
10 the grandparent and other family members shall not be denied
11 to a child who has been adjudicated a dependent child.

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

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

21 (5) The termination of parental rights does not affect
22 the rights of grandparents unless the court finds that such
23 visitation is not in the best interest of the child or that
24 such visitation would interfere with the goals of permanency
25 planning for the child.

26 (6)~~(5)~~ In determining whether grandparental visitation
27 is not in the child's best interest, consideration may be
28 given to the finding of guilt, regardless of adjudication, or
29 entry or plea of guilty or nolo contendere to charges under
30 the following statutes, or similar statutes of other
31 jurisdictions: s. 787.04, relating to removing minors from

1 the state or concealing minors contrary to court order; s.
2 794.011, relating to sexual battery; s. 798.02, relating to
3 lewd and lascivious behavior; chapter 800, relating to
4 lewdness and indecent exposure; or chapter 827, relating to
5 the abuse of children. Consideration may also be given to a
6 finding of confirmed abuse, abandonment, or neglect under ss.
7 415.101-415.113 or this chapter and ~~ss. 415.502-415.514~~.

8 Section 55. Section 39.413, Florida Statutes, is
9 renumbered as section 39.510, Florida Statutes, and subsection
10 (1) of said section is amended to read:

11 39.510 ~~39.413~~ Appeal.--

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

19 Section 56. Part VII of chapter 39, Florida Statutes,
20 consisting of sections 39.601, 39.602, and 39.603, Florida
21 Statutes, shall be entitled to read:

22 PART VII

23 CASE PLANS

24 Section 57. Sections 39.4031 and 39.451, Florida
25 Statutes, are renumbered as section 39.601, Florida Statutes,
26 and amended to read:

27 39.601 ~~39.4031~~ Case plan requirements.--

28 (1) The department or agent of the department shall
29 develop a case plan for each child or child's family receiving
30 services pursuant to this chapter ~~who is a party to any~~
31 ~~dependency proceeding, activity, or process under this part.~~

1 A parent, caregiver, or legal ~~guardian, or~~ custodian of a
2 child may not be required nor coerced through threat of loss
3 of custody or parental rights to admit in the case plan to
4 abusing, neglecting, or abandoning a child. Where dependency
5 mediation services are available and appropriate to the best
6 interests of the child, the court may refer the case to
7 mediation for development of a case plan. This section does
8 not change the provisions of s. 39.807 ~~39.464~~.

9 ~~(2) The case plan must be:~~

10 (a) The case plan must be developed in conference with
11 the parent, caregiver, or legal ~~guardian, or~~ custodian of the
12 child ~~and, if appropriate, the child and any court-appointed~~
13 guardian ad litem and, if appropriate, the child. ~~Any parent~~
14 ~~who believes that his or her perspective has not been~~
15 ~~considered in the development of a case plan may request~~
16 ~~referral to mediation pursuant to s. 39.4033 when such~~
17 ~~services are available.~~

18 (b) The case plan must be written simply and clearly
19 in English and, if English is not the principal language of
20 the child's parent, caregiver, or legal ~~guardian, or~~
21 custodian, to the extent possible in such principal language.

22 (c) The case plan must describe the minimum number of
23 face-to-face meetings to be held each month between the
24 parents, caregivers, or legal custodians and the department's
25 caseworkers to review progress of the plan, to eliminate
26 barriers to progress, and to resolve conflicts or
27 disagreements.

28 ~~(d)(e)~~ The case plan must be subject to modification
29 based on changing circumstances.

30 ~~(e)(d)~~ The case plan must be signed by all parties.

31

1 ~~(f)(e)~~ The case plan must be reasonable, accurate, and
2 in compliance with the requirements of other court orders.
3 ~~(2)(3)~~ When the child or family is receiving services
4 ~~in the child's home~~, the case plan must ~~be developed within 30~~
5 ~~days from the date of the department's initial contact with~~
6 ~~the child, or within 30 days of the date of a disposition~~
7 ~~order placing the child under the protective supervision of~~
8 ~~the department in the child's own home~~, and must include, in
9 addition to the requirements in subsection~~(1)(2)~~, at a
10 minimum:
11 (a) A description of the problem being addressed that
12 includes the behavior or act of a parent, legal custodian, or
13 caregiver resulting in risk to the child and the reason for
14 the department's intervention.
15 (b) A description of the services to be provided to
16 the family and child specifically addressing the identified
17 problem, including:
18 1. Type of services or treatment.
19 2. Frequency of services or treatment.
20 3. Location of the delivery of the services.
21 4. The accountable department staff or service
22 provider.
23 ~~5. The need for a multidisciplinary case staffing~~
24 ~~under s. 39.4032.~~
25 (c) A description of the measurable objectives,
26 including timeframes for achieving objectives, addressing the
27 identified problem.
28 ~~(3)(4)~~ When the child is receiving services in a
29 placement outside the child's home or in foster care, the case
30 plan must be submitted to the court for approval at the
31 disposition hearing ~~prepared within 30 days after placement~~

1 ~~and also be approved by the court~~ and must include, in
2 addition to the requirements in subsections (1) and (2) ~~and~~
3 ~~(3)~~, at a minimum:

4 (a) A description of the permanency goal for the
5 child, including the type of placement. Reasonable efforts to
6 place a child for adoption or with a legal guardian may be
7 made concurrently with reasonable efforts to prevent removal
8 of the child from the home or make it possible for the child
9 to return safely home.

10 (b) A description of the type of home or institution
11 in which the child is to be placed.

12 (c) A description of the financial support obligation
13 to the child, including health insurance, of the child's
14 parent, parents, caregiver, or legal custodian ~~or guardian~~.

15 (d) A description of the visitation rights and
16 obligations of the parent or parents, caregiver, or legal
17 custodian during the period the child is in care.

18 (e) A discussion of the safety and appropriateness of
19 the child's placement, which placement is intended to be safe,
20 ~~in~~ the least restrictive and most family-like setting
21 available consistent with the best interest and special needs
22 of the child, and in as close proximity as possible to the
23 child's home. The plan must also establish the role for the
24 foster parents or custodians in the development of the
25 services which are to be provided to the child, foster
26 parents, or legal custodians. It must also address the child's
27 need for services while under the jurisdiction of the court
28 and implementation of these services in the case plan.

29 (f) A description of the efforts to be undertaken to
30 maintain the stability of the child's educational placement.
31

1 ~~(g)(f)~~ A discussion of the department's plans to carry
2 out the judicial determination made by the court, with respect
3 to the child, in accordance with this chapter and applicable
4 federal regulations.

5 ~~(h)(g)~~ A description of the plan for assuring that
6 services outlined in the case plan are provided to the child
7 and the child's parent or parents, legal custodians, or
8 caregivers, to improve the conditions in the family home and
9 facilitate either the safe return of the child to the home or
10 the permanent placement of the child.

11 ~~(i)(h)~~ A description of the plan for assuring that
12 services as outlined in the case plan are provided to the
13 child and the child's parent or parents, legal custodians, or
14 caregivers, to address the needs of the child and a discussion
15 of the appropriateness of the services.

16 ~~(j)(i)~~ A description of the plan for assuring that
17 services are provided to the child and foster parents to
18 address the needs of the child while in foster care, which
19 shall include an itemized list of costs to be borne by the
20 parent or caregiver associated with any services or treatment
21 that the parent and child are expected to receive.

22 ~~(k)(j)~~ A written notice to the parent that failure of
23 the parent to substantially comply with the case plan may
24 result in the termination of parental rights, and that a
25 material failure to substantially comply may result in the
26 filing of a petition for termination of parental rights sooner
27 than the compliance periods set forth in the case plan itself.
28 The child protection team shall coordinate its effort with the
29 case staffing committee.

30 ~~(l)~~ In the case of a child for whom the permanency
31 plan is adoption or placement in another permanent home,

1 documentation of the steps the agency is taking to find an
2 adoptive family or other permanent living arrangement for the
3 child, to place the child with an adoptive family, with a fit
4 and willing relative, with a legal guardian, or in another
5 planned permanent living arrangement, and to finalize the
6 adoption or legal guardianship. At a minimum, such
7 documentation shall include child-specific recruitment efforts
8 such as the use of state, regional, and national adoption
9 exchanges, including electronic exchange systems.

10 (4)(5) In the event that the parents, legal
11 custodians, or caregivers are unwilling or unable to
12 participate in the development of a case plan, the department
13 shall document that unwillingness or inability to participate.
14 Such documentation must be provided ~~and provide~~ in writing to
15 the parent, legal custodians, or caregivers when available for
16 the court record, and then the department shall prepare a case
17 plan conforming as nearly as possible with the requirements
18 set forth in this section. The unwillingness or inability of
19 the parents, legal custodians, or caregivers to participate in
20 the development of a case plan shall not in itself bar the
21 filing of a petition for dependency or for termination of
22 parental rights. The parents, legal custodians, or caregivers,
23 if available, must be provided a copy of the case plan and be
24 advised that they may, at any time prior to the filing of a
25 petition for termination of parental rights, enter into a case
26 plan and that they may request judicial review of any
27 provision of the case plan with which they disagree at any
28 court review hearing set for the child.

29 (5)(6) The services delineated in the case plan must
30 be designed to improve the conditions in the family home and
31 aid in maintaining the child in the home, to facilitate the

1 safe return of the child to the family home, or to facilitate
2 the permanent placement of the child. The service intervention
3 must be the least intrusive possible into the life of the
4 family, must focus on clearly defined objectives, and must
5 provide the most efficient path to quick reunification or
6 permanent placement, with the child's health and safety being
7 paramount. To the extent possible, the service intervention
8 must be grounded in outcome evaluation results that
9 demonstrate success in the reunification or permanent
10 placement process. In designing service interventions,
11 generally recognized standards of the professions involved in
12 the process must be taken into consideration.

13 (6) After jurisdiction attaches, all case plans must
14 be filed with the court and a copy provided to the parents,
15 caregivers, or legal custodians of the child, to the
16 representative of the guardian ad litem program if the program
17 has been appointed, and to all other parties, not less than 48
18 hours before the disposition hearing. All such case plans must
19 be approved by the court. The department shall also file with
20 the court all case plans prepared before jurisdiction of the
21 court attached. If the court does not accept the case plan,
22 the court shall require the parties to make necessary
23 modifications to the plan. An amended plan must be submitted
24 to the court for review and approval within 30 days after the
25 hearing on the case plan.

26 ~~39.451 Case planning for children in foster care.--~~

27 ~~(1) In presenting the case plan to the court, the~~
28 ~~purpose of a case plan is to ensure permanency for children~~
29 ~~through recording the actions to be taken by the parties~~
30 ~~involved in order to quickly assure the safe return of the~~
31 ~~child to the parents or, if this is not possible, the~~

1 ~~termination of parental rights and the placement of the child~~
2 ~~with the department or a licensed child-placing agency for the~~
3 ~~purpose of finding a permanent adoptive home. Permanent~~
4 ~~adoptive placement is the primary permanency goal when a child~~
5 ~~is permanently placed with the department or a licensed~~
6 ~~child-placing agency. If it is not possible to find a~~
7 ~~permanent adoptive home, the case plan must record the actions~~
8 ~~taken for preparing the child for alternative permanency goals~~
9 ~~or placements such as long-term foster care or independent~~
10 ~~living.~~

11 (7)(2) The case plan must be limited to as short a
12 period as possible for the accomplishment of its provisions.
13 Unless extended ~~under s. 39.453(8)~~, the plan expires no later
14 than 12 ~~18~~ months after the date the child was initially
15 removed from the home or the date the case plan was accepted
16 by the court, whichever comes first.

17 (8)(3) The case plan must meet applicable federal and
18 state requirements ~~as provided in s. 39.4031.~~

19 (9)(4)(a) In each case in which the custody of a child
20 has been vested, either voluntarily or involuntarily, in the
21 department and the child has been placed in out-of-home foster
22 care, a case plan must be prepared within 60 ~~30~~ days after the
23 department removes the child from the home, and shall be
24 submitted to the court before the disposition hearing, ~~with a~~
25 ~~hearing scheduled~~ for the court to review and accept ~~or modify~~
26 ~~the plan within an additional 30 days~~. If the preparation of a
27 case plan, in conference with the parents and other pertinent
28 parties, cannot be completed before the disposition hearing
29 ~~accomplished within 30 days~~, for good cause shown, the court
30 may grant an extension not to exceed 30 days and set a hearing
31 to review and accept the case plan.

1 (b) The parent or parents, legal custodians, or
2 caregivers may receive assistance from any person, or social
3 service agency in the preparation of the case plan.

4 (c) The social service agency, the department, and the
5 court, when applicable, shall inform the parent or parents,
6 legal custodians, or caregivers of the right to receive such
7 assistance, including the right to assistance of counsel.

8 (d)~~(c)~~ Before the signing of the case plan, the
9 authorized agent of the department shall explain it to all
10 persons involved in its implementation, including, when
11 appropriate, the child.

12 (e)~~(d)~~ After the case plan has been agreed upon and
13 signed by the parties involved, a copy of the plan must be
14 given immediately to the ~~natural~~ parents, the department or
15 agency, the foster parents or caregivers, the legal custodian,
16 the caregiver, the representative of the guardian ad litem
17 program if the program is appointed, and any other parties
18 identified by the court, including the child, if appropriate.

19 (f)~~(e)~~ The case plan may be amended at any time if all
20 parties are in agreement regarding the revisions to the plan
21 and the plan is submitted to the court with a memorandum of
22 explanation. The case plan may also be amended by the court or
23 upon motion of any party at a hearing, based on competent
24 evidence demonstrating the need for the amendment. A copy of
25 the amended plan must be immediately given to the parties
26 specified in paragraph(e)~~(d)~~.

27 ~~(5) The case plan must be submitted to the court and~~
28 ~~all parties for review and acceptance or modification at least~~
29 ~~72 hours prior to a court hearing. If the court does not~~
30 ~~accept any of the requirements of the case plan, the court~~
31 ~~shall require the parties to make necessary modifications to~~

1 ~~the plan. An amended plan must be submitted to the court for~~
2 ~~review and approval within a time certain specified by the~~
3 ~~court.~~

4 (10)~~(6)~~ A case plan must be prepared, but need not be
5 submitted to the court, for a child who will be in care no
6 longer than 30 days unless that child is placed in out-of-home
7 ~~foster~~ care a second time within a 12-month period.

8 Section 58. Subsections (1), (2), (3), and (4) of
9 section 39.452, Florida Statutes, are renumbered as section
10 39.602, Florida Statutes, and amended to read:

11 39.602 ~~39.452~~ Case planning when parents, legal
12 custodians, or caregivers do not participate and the child is
13 in out-of-home ~~foster~~ care.--

14 (1)~~(a)~~ In the event the parents, legal custodians, or
15 caregivers will not or cannot participate in preparation of a
16 case plan, the department shall submit a full explanation of
17 the circumstances and ~~a plan for the permanent placement of~~
18 ~~the child to the court within 30 days after the child has been~~
19 ~~removed from the home and placed in temporary foster care and~~
20 ~~schedule a court hearing within 30 days after submission of~~
21 ~~the plan to the court to review and accept or modify the plan.~~
22 ~~If preparation cannot be accomplished within 30 days, for good~~
23 ~~cause shown, the court may grant extensions not to exceed 15~~
24 ~~days each for the filing, the granting of which shall be for~~
25 ~~similar reason to that contained in s. 39.451(4)(a).~~

26 ~~(b)~~ In the full explanation of the circumstances
27 ~~submitted to the court, the department shall~~ state the nature
28 of its efforts to secure such persons'~~parental~~ participation
29 in the preparation of a case plan.

30 (2) In a case in which the physical, emotional, or
31 mental condition or physical location of the parent is the

1 basis for the parent's nonparticipation, it is the burden of
2 the department to provide substantial evidence to the court
3 that such condition or location has rendered the parent unable
4 or unwilling to participate in the preparation of a case plan,
5 either pro se or through counsel. The supporting documentation
6 must be submitted to the court at the time the plan is filed.

7 (3) The plan must include, but need not be limited to,
8 the specific services to be provided by the department, the
9 goals and plans for the child, and the time for accomplishing
10 the provisions of the plan and for accomplishing permanence
11 for the child.

12 (4)(a) At least 48 ~~Seventy-two~~ hours prior to the
13 filing of a plan, all parties ~~each parent~~ must be provided
14 with a copy of the plan developed by the department. If the
15 location of one or both parents is unknown, this must be
16 documented in writing and included in the plan submitted to
17 the court. After the filing of the plan, if the location of
18 an absent parent becomes known, that parent must be served
19 with a copy of the plan.

20 (b) Before the filing of the plan, the department
21 shall advise each parent, both orally and in writing, that the
22 failure of the parents to substantially comply with a plan
23 ~~which has reunification as its primary goal~~ may result in the
24 termination of parental rights, but only after notice and
25 hearing as provided in this chapter ~~part VI~~. If, after the
26 plan has been submitted to the court, an absent parent is
27 located, the department shall advise the parent, both orally
28 and in writing, that the failure of the parents to
29 substantially comply with a plan ~~which has reunification as~~
30 ~~its goal~~ may result in termination of parental rights, but
31 only after notice and hearing as provided in this chapter ~~part~~

1 ~~VI.~~ Proof of written notification must be filed with the
2 court.

3 Section 59. Subsection (5) of section 39.452, Florida
4 Statutes, is renumbered as section 39.603, Florida Statutes,
5 and amended to read:

6 39.603 ~~39.452~~ Court approvals of case planning when
7 ~~parents do not participate and the child is in foster care.--~~

8 ~~(5)(a) The court shall set a hearing, with notice to~~
9 ~~all parties, on the plan or any provisions of the plan, within~~
10 ~~30 days after the plan has been received by the court. If the~~
11 ~~location of a parent is unknown, the notice must be directed~~
12 ~~to the last permanent address of record.~~

13 ~~(1)(b)~~ At the hearing on the plan, which shall occur
14 in conjunction with the disposition hearing unless otherwise
15 directed by the court, the court shall determine:

16 ~~(a)1.~~ (a)1. All parties who were notified and are in
17 attendance at the hearing, either in person or through a legal
18 representative. The court shall appoint a guardian ad litem
19 under Rule 1.210, Florida Rules of Civil Procedure, to
20 represent the interests of any parent, if the location of the
21 parent is known but the parent is not present at the hearing
22 and the development of the plan is based upon the physical,
23 emotional, or mental condition or physical location of the
24 parent.

25 ~~(b)2.~~ (b)2. If the plan is consistent with previous orders
26 of the court placing the child in care.

27 ~~(c)3.~~ (c)3. If the plan is consistent with the requirements
28 for the content of a plan as specified in this chapter
29 ~~subsection (3).~~

30 ~~(d)4.~~ (d)4. In involuntary placements, whether each parent
31 was notified of the right to counsel at each stage of the

1 dependency proceedings, in accordance with the Florida Rules
2 of Juvenile Procedure.

3 (e)~~5~~. Whether each parent whose location was known was
4 notified of the right to participate in the preparation of a
5 case plan and of the right to receive assistance from any
6 other person in the preparation of the case plan.

7 (f)~~6~~. Whether the plan is meaningful and designed to
8 address facts and circumstances upon which the court based the
9 finding of dependency in involuntary placements or the plan is
10 meaningful and designed to address facts and circumstances
11 upon which the child was placed in out-of-home ~~foster~~ care
12 voluntarily.

13 (2)~~(e)~~ When the court determines any of the elements
14 considered at the hearing related to the plan have not been
15 met, the court shall require the parties to make necessary
16 amendments to the plan. The amended plan must be submitted to
17 the court for review and approval within a time certain
18 specified by the court. A copy of the amended plan must also
19 be provided to each parent, if the location of the parent is
20 known.

21 (3)~~(d)~~ A parent who has not participated in the
22 development of a case plan must be served with a copy of the
23 plan developed by the department, if the parent can be
24 located, at least 48 ~~72~~ hours prior to the court hearing. Any
25 parent is entitled to, and may seek, a court review of the
26 plan prior to the initial ~~6 months~~ review and must be
27 informed of this right by the department at the time the
28 department serves the parent with a copy of the plan. If the
29 location of an absent parent becomes known to the department,
30 the department shall inform the parent of the right to a court
31

1 review at the time the department serves the parent with a
2 copy of the case plan.

3 Section 60. Part VIII of chapter 39, Florida Statutes,
4 consisting of sections 39.701, 39.702, 39.703, and 39.704,
5 Florida Statutes, shall be entitled to read:

6 PART VIII

7 JUDICIAL REVIEWS

8 Section 61. Section 39.453, Florida Statutes, is
9 renumbered as section 39.701, Florida Statutes, and amended to
10 read:

11 39.701 ~~39.453~~ Judicial review.--

12 (1)(a) The court shall have continuing jurisdiction in
13 accordance with this section and shall review the status of
14 the child as required by this subsection or more frequently if
15 the court deems it necessary or desirable.

16 (b) The court shall retain jurisdiction over a child
17 returned to its parents, caregivers, or legal guardians for a
18 period of 6 months, but, at that time, based on a report of
19 the social service agency and the guardian ad litem, if one
20 has been appointed, and any other relevant factors, the court
21 shall make a determination as to whether its jurisdiction
22 shall continue or be terminated.

23 ~~(c) After termination of parental rights, the court~~
24 ~~shall retain jurisdiction over any child for whom custody is~~
25 ~~given to a social service agency until the child is adopted.~~
26 ~~The jurisdiction of the court after termination of parental~~
27 ~~rights and custody is given to the agency is for the purpose~~
28 ~~of reviewing the status of the child and the progress being~~
29 ~~made toward permanent adoptive placement. As part of this~~
30 ~~continuing jurisdiction, for good cause shown by the guardian~~

31

1 ~~ad litem for the child, the court may review the~~
2 ~~appropriateness of the adoptive placement of the child.~~

3 (2)(a) The court shall review the status of the child
4 and shall hold a hearing as provided in this part ~~subsection~~
5 ~~(7)~~. The court may dispense with the attendance of the child
6 at the hearing, but may not dispense with the hearing or the
7 presence of other parties to the review unless before the
8 review a hearing is held before a citizen review panel.

9 (b) Citizen review panels may ~~be established under s.~~
10 ~~39.4531~~ to conduct hearings to a review of the status of a
11 child. The court shall select the cases appropriate for
12 referral to the citizen review panels and may order the
13 attendance of the parties at the review panel hearings.
14 However, any party may object to the referral of a case to a
15 citizen review panel. Whenever such an objection has been
16 filed with the court, the court shall review the substance of
17 the objection and may conduct the review itself or refer the
18 review to a citizen review panel. All parties retain the right
19 to take exception to the findings or recommended orders of a
20 citizen review panel in accordance with Rule 1.490(h), Florida
21 Rules of Civil Procedure.

22 (c) Notice of a hearing by a citizen review panel must
23 be provided as set forth in subsection (5). At the conclusion
24 of a citizen review panel hearing, each party may propose a
25 recommended order to the chairperson of the panel. Thereafter,
26 the citizen review panel shall submit its report, copies of
27 the proposed recommended orders, and a copy of the panel's
28 recommended order to the court. The citizen review panel's
29 recommended order must be limited to the dispositional options
30 available to the court in subsection (8). Each party may file
31 exceptions to the report and recommended order of the citizen

1 review panel in accordance with Rule 1.490, Florida Rules of
2 Civil Procedure.

3 (3)(a) The initial judicial review must be held no
4 later than 90 days after the date of the disposition hearing
5 or after the date of the hearing at which the court approves
6 the case plan, but in no event shall the review be held later
7 than 6 months after the date the child was removed from the
8 home. Citizen review panels shall not conduct more than two
9 consecutive reviews without the child and the parties coming
10 before the court for a judicial review.~~If the child remains~~
11 ~~in shelter or foster care, subsequent judicial reviews must be~~
12 ~~held at least every 6 months after the date of the most recent~~
13 ~~judicial review until the child is 13 years old and has been~~
14 ~~in foster care at least 18 months.~~

15 (b) If the court extends any ~~the~~ case plan beyond 12
16 ~~18~~ months, judicial reviews must be held at least every 6
17 months ~~for children under the age of 13 and at least annually~~
18 ~~for children age 13 and older.~~

19 (c) If the child is placed in the custody of the
20 department or a licensed child-placing agency for the purpose
21 of adoptive placement, judicial reviews must be held at least
22 every 6 months until adoptive placement, to determine the
23 appropriateness of the current placement and the progress made
24 toward adoptive placement.

25 (d) If the department and the court have established a
26 formal agreement that includes specific authorization for
27 particular cases, the department may conduct administrative
28 reviews instead of the judicial reviews for children in
29 out-of-home ~~foster~~ care. Notices of such administrative
30 reviews must be provided to all parties. However, an
31 administrative review may not be substituted for the first

1 judicial review, and in every case the court must conduct a
2 judicial review at least every 6 ~~12~~ months. Any party
3 dissatisfied with the results of an administrative review may
4 petition for a judicial review.

5 (e) The clerk of the circuit court shall schedule
6 judicial review hearings in order to comply with the mandated
7 times cited in this section ~~paragraphs (a)-(d)~~.

8 (f) In each case in which a child has been voluntarily
9 placed with the licensed child-placing agency, the agency
10 shall notify the clerk of the court in the circuit where the
11 child resides of such placement within 5 working days.
12 Notification of the court is not required for any child who
13 will be in out-of-home ~~foster~~ care no longer than 30 days
14 unless that child is placed in out-of-home ~~foster~~ care a
15 second time within a 12-month period. If the child is returned
16 to the custody of the parents, caregiver, or legal custodian
17 ~~or guardian~~ before the scheduled review hearing or if the
18 child is placed for adoption, the child-placing agency shall
19 notify the court of the child's return or placement within 5
20 working days, and the clerk of the court shall cancel the
21 review hearing.

22 (4) The court shall schedule the date, time, and
23 location of the next judicial review in the judicial review
24 order. ~~The social service agency shall file a petition for~~
25 ~~review with the court within 10 calendar days after the~~
26 ~~judicial review hearing. The petition must include a statement~~
27 ~~of the dispositional alternatives available to the court. The~~
28 ~~petition must accompany the notice of the hearing served upon~~
29 ~~persons specified in subsection (5).~~

30 (5) Notice of a judicial review hearing or a citizen
31 review panel ~~the hearing,~~ and a copy of the motion for

1 judicial review ~~petition~~, including a statement of the
2 dispositional alternatives available to the court, must be
3 served by the court upon:

4 (a) The social service agency charged with the
5 supervision of care, custody, or guardianship of the child, if
6 that agency is not the movant ~~petitioner~~.

7 (b) The foster parent or parents or caregivers
8 ~~caretakers~~ in whose home the child resides.

9 (c) The parent, caregiver, or legal custodian
10 ~~guardian, or relative~~ from whom the care and custody of the
11 child have been transferred.

12 (d) The guardian ad litem for the child, or the
13 representative of the guardian ad litem program if the program
14 ~~one~~ has been appointed.

15 (e) Any preadoptive parent.

16 (f)~~(e)~~ Such other persons as the court may in its
17 discretion direct.

18 (6)(a) Prior to every judicial review hearing or
19 citizen review panel hearing, the social service agency shall
20 make an investigation and social study concerning all
21 pertinent details relating to the child and shall furnish to
22 the court or citizen review panel a written report that
23 includes, but is not limited to:

24 1. A description of the type of placement the child is
25 in at the time of the hearing, including the safety of the
26 child and the continuing necessity for and appropriateness of
27 the placement.

28 2. Documentation of the diligent efforts made by all
29 parties to the case plan to comply with each applicable
30 provision of the plan.

31

1 3. The amount of fees assessed and collected during
2 the period of time being reported.

3 4. The services provided to the foster family or
4 caregivers ~~caretakers~~ in an effort to address the needs of the
5 child as indicated in the case plan.

6 5. A statement that ~~concerning whether~~ the parent or
7 legal custodian ~~guardian~~, though able to do so, did not comply
8 substantially with the provisions of the case plan and the
9 agency recommendations or a statement that the parent or legal
10 custodian ~~guardian~~ did substantially comply with such
11 provisions.

12 6. A statement from the foster parent or parents or
13 caregivers ~~caretakers~~ providing any material evidence
14 concerning the return of the child to the parent or parents or
15 legal custodians.

16 7. A statement concerning the frequency, duration, and
17 results of the parent-child visitation, if any, and the agency
18 recommendations for an expansion or restriction of future
19 visitation.

20 8. The number of times a child has been removed from
21 his or her home and placed elsewhere, the number and types of
22 placements that have occurred, and the reason for the changes
23 in placement.

24 9. The number of times a child's educational placement
25 has been changed, the number and types of educational
26 placements which have occurred, and the reason for any change
27 in placement.

28 (b) A copy of the social service agency's written
29 report must be provided to the attorney of record of the
30 parent, parents, or legal custodians ~~guardian~~; to the parent,
31 parents, or legal custodians ~~guardian~~; to the foster parents

1 or caregivers ~~caretakers~~; to each citizen review panel
2 ~~established under s. 39.4531~~; and to the guardian ad litem for
3 the child, or the representative of the guardian ad litem
4 program if the program ~~one~~ has been appointed by the court, at
5 least 48 hours before the judicial review hearing, or citizen
6 review panel hearing if ~~such a panel has been established~~
7 ~~under s. 39.4531~~. The requirement for providing parents or
8 legal custodians ~~guardians~~ with a copy of the written report
9 does not apply to those parents or legal custodians ~~guardians~~
10 who have voluntarily surrendered their child for adoption.

11 (c) In a case in which the child has been permanently
12 placed with the social service agency, the agency shall
13 furnish to the court a written report concerning the progress
14 being made to place the child for adoption. If, ~~as stated in~~
15 ~~s. 39.451(1)~~, the child cannot be placed for adoption, a
16 report on the progress made by the child in alternative
17 permanency goals or placements, including, but not limited to,
18 long-term foster care, independent living, custody to a
19 relative or caregiver ~~adult nonrelative~~ approved by the court
20 on a permanent basis with or without legal guardianship, or
21 custody to a foster parent or caregiver on a permanent basis
22 with or without legal guardianship, must be submitted to the
23 court. The report must be submitted to the court at least 48
24 hours before each scheduled judicial review.

25 (d) In addition to or in lieu of any written statement
26 provided to the court, the foster parent or caregivers, or any
27 preadoptive parent, ~~caretakers~~ shall be given the opportunity
28 to address the court with any information relevant to the best
29 interests of the child at any judicial review hearing.

30 (7) The court, and any citizen review panel
31 ~~established under s. 39.4531~~, shall take into consideration

1 the information contained in the social services study and
2 investigation and all medical, psychological, and educational
3 records that support the terms of the case plan; testimony by
4 the social services agency, the parent or legal custodian
5 guardian, the foster parent or caregivers ~~caretakers~~, the
6 guardian ad litem if one has been appointed for the child, and
7 any other person deemed appropriate; and any relevant and
8 material evidence submitted to the court, including written
9 and oral reports to the extent of their probative value. In
10 its deliberations, the court, and any citizen review panel
11 ~~established under s. 39.4531,~~ shall seek to determine:

12 (a) If the parent or legal custodian ~~guardian~~ was
13 advised of the right to receive assistance from any person or
14 social service agency in the preparation of the case plan.

15 (b) If the parent or legal custodian ~~guardian~~ has been
16 advised of the right to have counsel present at the judicial
17 review or citizen review hearings. If not so advised, the
18 court or citizen review panel shall advise the parent or legal
19 custodian ~~guardian~~ of such right.

20 (c) If a guardian ad litem needs to be appointed for
21 the child in a case in which a guardian ad litem has not
22 previously been appointed or if there is a need to continue a
23 guardian ad litem in a case in which a guardian ad litem has
24 been appointed.

25 (d) The compliance or lack of compliance of all
26 parties with applicable items of the case plan, including the
27 parents' compliance with child support orders.

28 (e) The compliance or lack of compliance with a
29 visitation contract between the parent, caregiver, or legal
30 custodian ~~or guardian~~ and the social service agency for
31 contact with the child, including the frequency, duration, and

1 results of the parent-child visitation and the reason for any
2 noncompliance.

3 (f) The compliance or lack of compliance of the
4 parent, caregiver, or legal custodian ~~or guardian~~ in meeting
5 specified financial obligations pertaining to the care of the
6 child, including the reason for failure to comply if such is
7 the case.

8 (g) The appropriateness of the child's current
9 placement, including whether the child is in a setting which
10 is as family-like and as close to the parent's home as
11 possible, consistent with the child's best interests and
12 special needs, and including maintaining stability in the
13 child's educational placement.

14 (h) A projected date likely for the child's return
15 home or other permanent placement.

16 (i) When appropriate, the basis for the unwillingness
17 or inability of the parent, caregiver, or legal custodian ~~or~~
18 ~~guardian~~ to become a party to a case plan. The court and the
19 citizen review panel shall determine if ~~the nature of the~~
20 ~~location or the condition of the parent and~~ the efforts of the
21 social service agency to secure party ~~parental~~ participation
22 in a case plan were sufficient.

23 (8)(a) Based upon the criteria set forth in subsection
24 (7) and the recommended order of the citizen review panel, if
25 any ~~established under s. 39.4531,~~ the court shall determine
26 whether or not the social service agency shall initiate
27 proceedings to have a child declared a dependent child, return
28 the child to the parent, legal custodian, or caregiver,
29 continue the child in out-of-home ~~foster~~ care for a specified
30 period of time, or initiate termination of parental rights
31 proceedings for subsequent placement in an adoptive home.

1 Modifications to the plan must be handled as prescribed in s.
2 39.601 ~~39.451~~. If the court finds that the prevention or
3 reunification efforts of the department will allow the child
4 to remain safely at home or be safely returned to the home,
5 the court shall allow the child to remain in or return to the
6 home after making a specific finding of fact that the reasons
7 for removal have been remedied to the extent that the child's
8 safety, ~~and~~ well-being, and physical, mental, and emotional
9 health will not be endangered.

10 (b) The court shall return the child to the custody of
11 the parents, legal custodians, or caregivers at any time it
12 determines that they have substantially complied with the
13 plan, if the court is satisfied that reunification will not be
14 detrimental to the child's safety, ~~and~~ well-being, and
15 physical, mental, and emotional health.

16 (c) If, in the opinion of the court, the social
17 service agency has not complied with its obligations as
18 specified in the written case plan, the court may find the
19 social service agency in contempt, shall order the social
20 service agency to submit its plans for compliance with the
21 agreement, and shall require the social service agency to show
22 why the child could ~~should~~ not safely be returned ~~immediately~~
23 to the home of the parents, legal custodians, or caregivers ~~or~~
24 ~~legal guardian~~.

25 (d) The court may extend the time limitation of the
26 case plan, or may modify the terms of the plan, based upon
27 information provided by the social service agency, and the
28 guardian ad litem, if one has been appointed, ~~the natural~~
29 parent or parents, and the foster parents, and any other
30 competent information on record demonstrating the need for the
31 amendment. If the court extends the time limitation of the

1 case plan, the court must make specific findings concerning
2 the frequency of past parent-child visitation, if any, and the
3 court may authorize the expansion or restriction of future
4 visitation. Modifications to the plan must be handled as
5 prescribed in s. 39.601 ~~39.451~~. Any extension of a case plan
6 must comply with the time requirements and other requirements
7 specified by this chapter ~~part~~.

8 (e) If, at any judicial review, the court finds that
9 the parents have failed to substantially comply with the case
10 plan to the degree that further reunification efforts are
11 without merit and not in the best interest of the child, it
12 may authorize the filing of a petition for termination of
13 parental rights, whether or not the time period as contained
14 in the case plan for substantial compliance has elapsed.

15 (f) No later than 12 months after the date that the
16 child was placed in shelter care, the court shall conduct a
17 judicial review. At this hearing, if the child is not returned
18 to the physical custody of the parents, caregivers, or legal
19 custodians, the case plan may be extended with the same goals
20 only if the court finds that the situation of the child is so
21 extraordinary that the plan should be extended. The case plan
22 must document steps the department is taking to find an
23 adoptive parent or other permanent living arrangement for the
24 child. ~~If, at the time of the 18-month judicial review or~~
25 ~~citizen review, the child is not returned to the physical~~
26 ~~custody of the natural parents, the case plan may be extended~~
27 ~~only if, at the time of the judicial review or citizen review,~~
28 ~~the court finds that the situation of the child is so~~
29 ~~extraordinary that the plan should be extended. The extension~~
30 ~~must be in accordance with subsection (3).~~

31

1 (g) The court may issue a protective order in
2 assistance, or as a condition, of any other order made under
3 this part. In addition to the requirements included in the
4 case plan, the protective order may set forth requirements
5 relating to reasonable conditions of behavior to be observed
6 for a specified period of time by a person or agency who is
7 before the court; and such order may require any such person
8 or agency to make periodic reports to the court containing
9 such information as the court in its discretion may prescribe.

10 Section 62. Section 39.4531, Florida Statutes, is
11 renumbered as section 39.702, Florida Statutes, and amended to
12 read:

13 39.702 ~~39.4531~~ Citizen review panels.--

14 (1) Citizen review panels may be established in each
15 judicial circuit and shall be authorized by an administrative
16 order executed by the chief judge of each circuit. The court
17 shall administer an oath of office to each citizen review
18 panel member which shall authorize the panel member to
19 participate in citizen review panels and make recommendations
20 to the court pursuant to the provisions of this section.

21 (2) Citizen review panels shall be administered by an
22 independent not-for-profit agency. For the purpose of this
23 section, an organization that has filed for nonprofit status
24 under the provisions of s. 501(c)(3) of the United States
25 Internal Revenue Code is an independent not-for-profit agency
26 for a period of 1 year after the date of filing. At the end
27 of that 1-year period, in order to continue conducting citizen
28 reviews, the organization must have qualified for nonprofit
29 status under s. 501(c)(3) of the United States Internal
30 Revenue Code and must submit to the chief judge of the circuit
31 court a consumer's certificate of exemption that was issued to

1 the organization by the Florida Department of Revenue and a
2 report of the organization's progress. If the agency has not
3 qualified for nonprofit status, the court must rescind its
4 administrative order that authorizes the agency to conduct
5 citizen reviews. All independent not-for-profit agencies
6 conducting citizen reviews must submit citizen review annual
7 reports to the court.

8 (3) For the purpose of this section, a citizen review
9 panel shall be composed of five volunteer members and shall
10 conform with the requirements of this chapter ~~section~~. The
11 presence of three members at a panel hearing shall constitute
12 a quorum. Panel members shall serve without compensation.

13 (4)~~(3)~~ Based on the information provided to each
14 citizen review panel pursuant to s. 39.701 ~~39.453~~, each
15 citizen review panel shall provide the court with a report and
16 recommendations regarding the placement and dispositional
17 alternatives the court shall consider before issuing a
18 judicial review order.

19 (5)~~(4)~~ The ~~An~~ independent not-for-profit agency
20 authorized to administer each citizen review panel shall:

21 (a) In collaboration with the department, develop
22 policies to assure that citizen review panels comply with all
23 applicable state and federal laws.

24 (b) Establish policies for the recruitment, selection,
25 retention, and terms of volunteer panel members. Final
26 selection of citizen review panel members shall, to the extent
27 possible, reflect the multicultural composition of the
28 community which they serve. A criminal background check and
29 personal reference check shall be conducted on each citizen
30 review panel member prior to the member serving on a citizen
31 review panel.

1 (c) In collaboration with the department, develop,
2 implement, and maintain a training program for citizen review
3 volunteers and provide training for each panel member prior to
4 that member serving on a review panel. Such training may
5 include, but shall not be limited to, instruction on
6 dependency laws, departmental policies, and judicial
7 procedures.

8 (d) Ensure that all citizen review panel members have
9 read, understood, and signed an oath of confidentiality
10 relating to ~~the citizen review hearings and~~ written or verbal
11 information provided to the panel members for review hearings.

12 (e) Establish policies to avoid actual or perceived
13 conflicts of interest by panel members during the review
14 process and to ensure accurate, fair reviews of each child
15 dependency case.

16 (f) Establish policies to ensure ongoing communication
17 with the department and the court.

18 (g) Establish policies to ensure adequate
19 communication with the parent, caregiver, or legal custodian
20 ~~or guardian~~, the foster parent or caregiver, the guardian ad
21 litem, and any other person deemed appropriate.

22 (h) Establish procedures that encourage attendance and
23 participation of interested persons and parties, including the
24 biological parents, foster parents or caregivers, or a
25 relative or nonrelative with whom the child is placed, at
26 citizen review hearings.

27 (i) Coordinate with existing citizen review panels to
28 ensure consistency of operating procedures, data collection,
29 ~~and~~ analysis, and report generation.

30
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1 (j) Make recommendations as necessary to the court
2 concerning attendance of essential persons at the review and
3 other issues pertinent to an effective review process.

4 (k) Ensure consistent methods of identifying barriers
5 to the permanent placement of the child and delineation of
6 findings and recommendations to the court.

7 ~~(6)(5)~~ The department and agents of the department
8 shall submit information to the citizen review panel when
9 requested and shall address questions asked by the citizen
10 review panel to identify barriers to the permanent placement
11 of each child.

12 Section 63. Section 39.454, Florida Statutes, is
13 renumbered as section 39.703, Florida Statutes, and amended to
14 read:

15 39.703 ~~39.454~~ Initiation of termination of parental
16 rights proceedings.--

17 (1) If, in preparation for any judicial review hearing
18 under this chapter ~~part~~, it is the opinion of the social
19 service agency that the parents ~~or legal guardian~~ of the child
20 have not complied with their responsibilities as specified in
21 the written case plan although able to do so, the social
22 service agency shall state its intent to initiate proceedings
23 to terminate parental rights, unless the social service agency
24 can demonstrate to the court that such a recommendation would
25 not be in the child's best interests. If it is the intent of
26 the department or licensed child-placing agency to initiate
27 proceedings to terminate parental rights, the department or
28 licensed child-placing agency shall file a petition for
29 termination of parental rights no later than 3 months after
30 the date of the previous judicial review hearing. If the
31 petition cannot be filed within 3 months, the department or

1 licensed child-placing agency shall provide a written report
2 to the court outlining the reasons for delay, the progress
3 made in the termination of parental rights process, and the
4 anticipated date of completion of the process.

5 (2) If, at the time of the 12-month ~~18-month~~ judicial
6 review hearing, a child is not returned to the physical
7 custody of the ~~natural~~ parents, caregivers, or legal
8 custodians, the social service agency shall initiate
9 termination of parental rights proceedings under ~~part VI of~~
10 this chapter within 30 days. Only if the court finds that the
11 situation of the child is so extraordinary and that the best
12 interests of the child will be met by such action at the time
13 of the judicial review may the case plan be extended. If the
14 court decides to extend the plan, the court shall enter
15 detailed findings justifying the decision to extend, as well
16 as the length of the extension. A termination of parental
17 rights petition need not be filed if: the child is being
18 cared for by a relative who chooses not to adopt the child;
19 the court determines that filing such a petition would not be
20 in the best interests of the child; or the state has not
21 provided the child's family, when reasonable efforts to return
22 a child are required, consistent with the time period in the
23 state's case plan, such services as the state deems necessary
24 for the safe return of the child to his or her home. Failure
25 to initiate termination of parental rights proceedings at the
26 time of the 12-month ~~18-month~~ judicial review or within 30
27 days after such review does not prohibit initiating
28 termination of parental rights proceedings at any other time.

29 Section 64. Section 39.456, Florida Statutes, is
30 renumbered as section 39.704, Florida Statutes, and amended to
31 read:

1 (3)~~(1)~~ Before the court may terminate parental rights,
2 in addition to the other requirements set forth in this part,
3 the following requirements must be met:

4 (a) Notice of the date, time, and place of the
5 advisory hearing for the petition to terminate parental rights
6 and a copy of the petition must be personally served upon the
7 following persons, specifically notifying them that a petition
8 has been filed:

9 1. The parents of the child.

10 2. The caregivers or legal custodians ~~or guardian~~ of
11 the child.

12 3. If the parents who would be entitled to notice are
13 dead or unknown, a living relative of the child, unless upon
14 diligent search and inquiry no such relative can be found.

15 4. Any person who has physical custody of the child.

16 5. Any grandparent entitled to priority for adoption
17 under s. 63.0425.

18 6. Any prospective parent who has been identified
19 under s. 39.503 or s. 39.803 ~~s. 39.4051 or s. 39.4625~~.

20 7. The guardian ad litem for the child or the
21 representative of the guardian ad litem program, if the
22 program ~~one~~ has been appointed.

23
24 The document containing the notice to respond or appear must
25 contain, in type at least as large as the type in the balance
26 of the document, the following or substantially similar
27 language: "FAILURE TO PERSONALLY ~~RESPOND TO THIS NOTICE OR TO~~
28 APPEAR AT THIS ADVISORY HEARING CONSTITUTES CONSENT TO THE
29 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR ~~THESE~~
30 CHILDREN)."

1 (b) If a person required to be served with notice as
2 prescribed in paragraph (a) cannot be served, notice of
3 hearings must be given as prescribed by the rules of civil
4 procedure, and service of process must be made as specified by
5 law or civil actions.

6 (c) Notice as prescribed by this section may be
7 waived, in the discretion of the judge, with regard to any
8 person to whom notice must be given under this subsection if
9 the person executes, before two witnesses and a notary public
10 or other officer authorized to take acknowledgments, a written
11 surrender of the child to a licensed child-placing agency or
12 the department.

13 (d) If the person served with notice under this
14 section fails to ~~respond or~~ appear at the advisory hearing,
15 the failure to ~~respond or~~ appear shall constitute consent for
16 termination of parental rights by the person given notice.

17 (4)~~(2)~~ Upon the application of any party, the clerk or
18 deputy clerk shall issue, and the court on its own motion may
19 issue, subpoenas requiring the attendance and testimony of
20 witnesses and the production of records, documents, or other
21 tangible objects at any hearing.

22 (5)~~(3)~~ All process and orders issued by the court must
23 be served or executed as other process and orders of the
24 circuit court and, in addition, may be served or executed by
25 authorized agents of the department or the guardian ad litem.

26 (6)~~(4)~~ Subpoenas may be served within the state by any
27 person over 18 years of age who is not a party to the
28 proceeding.

29 (7)~~(5)~~ A fee may not be paid for service of any
30 process or other papers by an agent of the department or the
31 guardian ad litem. If any process, orders, or other papers are

1 served or executed by any sheriff, the sheriff's fees must be
2 paid by the county.

3 Section 67. Sections 39.461 and 39.4611, Florida
4 Statutes, are renumbered as section 39.802, Florida Statutes,
5 and amended to read:

6 39.802 ~~39.461~~ Petition for termination of parental
7 rights; filing; elements.--

8 (1) All proceedings seeking an adjudication to
9 terminate parental rights pursuant to this chapter must be
10 initiated by the filing of an original petition by the
11 department, the guardian ad litem, or a licensed child-placing
12 agency or by any other person who has knowledge of the facts
13 alleged or is informed of them and believes that they are
14 true.

15 (2) The form of the petition is governed by the
16 Florida Rules of Juvenile Procedure. The petition must be in
17 writing and signed by the petitioner under oath stating the
18 petitioner's good faith in filing the petition.

19 (3) When a petition for termination of parental rights
20 has been filed, the clerk of the court shall set the case
21 before the court for an advisory hearing.

22 ~~39.4611 Elements of petition for termination of~~
23 ~~parental rights.--~~

24 (4)~~(1)~~ A petition for termination of parental rights
25 filed under this chapter must contain facts supporting the
26 following allegations:

27 (a) That at least one of the grounds listed in s.
28 39.806 ~~39.464~~ has been met.

29 (b) That the parents of the child were informed of
30 their right to counsel at all hearings that they attend and
31 that a dispositional order adjudicating the child dependent

1 was entered in any prior dependency proceeding relied upon in
2 offering a parent a case plan as described in s. 39.806
3 ~~39.464~~.

4 (c) That the manifest best interests of the child, in
5 accordance with s. 39.810 ~~39.4612~~, would be served by the
6 granting of the petition.

7 ~~(5)(2)~~ When a petition for termination of parental
8 rights is filed under s. 39.806(1)~~39.464(1)~~, a separate
9 petition for dependency need not be filed and the department
10 need not offer the parents a case plan with a goal of
11 reunification, but may instead file with the court a case plan
12 with a goal of termination of parental rights to allow
13 continuation of services until the termination is granted or
14 until further orders of the court are issued.

15 ~~(6)(3)~~ The fact that a child has been previously
16 adjudicated dependent as alleged in a petition for termination
17 of parental rights may be proved by the introduction of a
18 certified copy of the order of adjudication or the order of
19 disposition of dependency.

20 ~~(7)(4)~~ The fact that the parent of a child was
21 informed of the right to counsel in any prior dependency
22 proceeding as alleged in a petition for termination of
23 parental rights may be proved by the introduction of a
24 certified copy of the order of adjudication or the order of
25 disposition of dependency containing a finding of fact that
26 the parent was so advised.

27 ~~(8)(5)~~ Whenever the department has entered into a case
28 plan with a parent with the goal of reunification, and a
29 petition for termination of parental rights based on the same
30 facts as are covered in the case plan is filed prior to the
31 time agreed upon in the case plan for the performance of the

1 case plan, the petitioner must allege and prove by clear and
2 convincing evidence that the parent has materially breached
3 the provisions of the case plan.

4 Section 68. Section 39.803, Florida Statutes, is
5 created to read:

6 39.803 Identity or location of parent unknown after
7 filing of termination of parental rights petition; special
8 procedures.--

9 (1) If the identity or location of a parent is unknown
10 and a petition for termination of parental rights is filed,
11 the court shall conduct the following inquiry of the parent
12 who is available, or, if no parent is available, of any
13 relative, caregiver, or legal custodian of the child who is
14 present at the hearing and likely to have the information:

15 (a) Whether the mother of the child was married at the
16 probable time of conception of the child or at the time of
17 birth of the child.

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

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

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

26 (e) Whether any man has acknowledged or claimed
27 paternity of the child in a jurisdiction in which the mother
28 resided at the time of or since conception of the child, or in
29 which the child has resided or resides.

30
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1 (2) The information required in subsection (1) may be
2 supplied to the court or the department in the form of a sworn
3 affidavit by a person having personal knowledge of the facts.

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

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

10 (5) If the inquiry under subsection (1) identifies a
11 parent or prospective parent, and that person's location is
12 unknown, the court shall direct the department to conduct a
13 diligent search for that person before scheduling an
14 adjudicatory hearing regarding the dependency of the child
15 unless the court finds that the best interest of the child
16 requires proceeding without actual notice to the person whose
17 location is unknown.

18 (6) The diligent search required by subsection (5)
19 must include, at a minimum, inquiries of all known relatives
20 of the parent or prospective parent, inquiries of all offices
21 of program areas of the department likely to have information
22 about the parent or prospective parent, inquiries of other
23 state and federal agencies likely to have information about
24 the parent or prospective parent, inquiries of appropriate
25 utility and postal providers, and inquiries of appropriate law
26 enforcement agencies.

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

31

1 (8) If the inquiry and diligent search identifies a
2 prospective parent, that person must be given the opportunity
3 to become a party to the proceedings by completing a sworn
4 affidavit of parenthood and filing it with the court or the
5 department. A prospective parent who files a sworn affidavit
6 of parenthood while the child is a dependent child but no
7 later than at the time of or prior to the adjudicatory hearing
8 in the termination of parental rights proceeding for the child
9 shall be considered a parent for all purposes under this
10 section.

11 Section 69. Section 39.4627, Florida Statutes, is
12 renumbered as section 39.804, Florida Statutes.

13 Section 70. Section 39.463, Florida Statutes, is
14 renumbered as section 39.805, Florida Statutes, and amended to
15 read:

16 39.805 ~~39.463~~ No answer required.--No answer to the
17 petition or any other pleading need be filed by any child,
18 parent, caregiver, or legal custodian, but any matters which
19 might be set forth in an answer or other pleading may be
20 pleaded orally before the court or filed in writing as any
21 such person may choose. Notwithstanding the filing of any
22 answer or any pleading, the child or parent shall, prior to
23 the adjudicatory hearing, be advised by the court of the right
24 to counsel and shall be given an opportunity to deny the
25 allegations in the petition for termination of parental rights
26 or to enter a plea to allegations in the petition before the
27 court.

28 Section 71. Section 39.464, Florida Statutes, as
29 amended by chapter 97-276, Laws of Florida, is renumbered as
30 section 39.806, Florida Statutes, and amended to read:

31

1 39.806 ~~39.464~~ Grounds for termination of parental
2 rights.--
3 (1) The department, the guardian ad litem, a licensed
4 child-placing agency, or any person who has knowledge of the
5 facts alleged or who is informed of said facts and believes
6 that they are true, may petition for the termination of
7 parental rights under any of the following circumstances:
8 (a) When the parent or parents voluntarily executed a
9 written surrender of the child and consented to the entry of
10 an order giving custody of the child to the department or to a
11 licensed child-placing agency for subsequent adoption and the
12 department or licensed child-placing agency is willing to
13 accept custody of the child.
14 1. The surrender document must be executed before two
15 witnesses and a notary public or other person authorized to
16 take acknowledgments.
17 2. The surrender and consent may be withdrawn after
18 acceptance by the department or licensed child-placing agency
19 only after a finding by the court that the surrender and
20 consent were obtained by fraud or duress.
21 (b) When the identity or location of the parent or
22 parents is unknown and, ~~if the court requires a diligent~~
23 ~~search pursuant to s. 39.4625,~~ cannot be ascertained by
24 diligent search ~~as provided in s. 39.4625~~ within 90 days.
25 (c) When the parent or parents engaged in conduct
26 toward the child or toward other children that demonstrates
27 that the continuing involvement of the parent or parents in
28 the parent-child relationship threatens the life, safety or
29 well-being, or physical, mental, or emotional health of the
30 child irrespective of the provision of services. Provision of
31 services may be ~~is~~ evidenced by proof that services were

1 provided through a previous plan or offered as a case plan
2 from a child welfare agency.

3 (d) When the parent of a child is incarcerated in a
4 state or federal correctional institution and:

5 1. The period of time for which the parent is expected
6 to be incarcerated will constitute a substantial portion of
7 the period of time before the child will attain the age of 18
8 years;

9 2. The incarcerated parent has been determined by the
10 court to be a violent career criminal as defined in s.
11 775.084, a habitual violent felony offender as defined in s.
12 775.084, or a sexual predator as defined in s. 775.21; has
13 been convicted of first degree or second degree murder in
14 violation of s. 782.04 or a sexual battery that constitutes a
15 capital, life, or first degree felony violation of s. 794.011;
16 or has been convicted of an offense in another jurisdiction
17 which is substantially similar to one of the offenses listed
18 in this paragraph. As used in this section, the term
19 "substantially similar offense" means any offense that is
20 substantially similar in elements and penalties to one of
21 those listed in this paragraph, and that is in violation of a
22 law of any other jurisdiction, whether that of another state,
23 the District of Columbia, the United States or any possession
24 or territory thereof, or any foreign jurisdiction; and

25 3. The court determines by clear and convincing
26 evidence that continuing the parental relationship with the
27 incarcerated parent would be harmful to the child and, for
28 this reason, that termination of the parental rights of the
29 incarcerated parent is in the best interest of the child.

30 (e)~~(f)~~ A petition for termination of parental rights
31 may also be filed when a child has been adjudicated dependent,

1 a case plan has been filed with the court, and the child
2 continues to be abused, neglected, or abandoned by the
3 parents. In this case, the failure of the parents to
4 substantially comply for a period of 12 months after an
5 adjudication of the child as a dependent child constitutes
6 evidence of continuing abuse, neglect, or abandonment unless
7 the failure to substantially comply with the case plan was due
8 either to the lack of financial resources of the parents or to
9 the failure of the department to make reasonable efforts to
10 reunify the family. Such 12-month period may begin to run only
11 after the entry of a disposition order placing the custody of
12 the child with the department or a person other than the
13 parent and the approval by ~~subsequent filing with~~ the court of
14 a case plan with a goal of reunification with the parent.

15 (f)~~(e)~~ When the parent or parents engaged in egregious
16 conduct or had the opportunity and capability to prevent and
17 knowingly failed to prevent egregious conduct that threatens
18 the life, safety, or physical, mental, or emotional health
19 ~~that endangers the life, health, or safety of the child or the~~
20 ~~child's sibling or had the opportunity and capability to~~
21 ~~prevent egregious conduct that threatened the life, health, or~~
22 ~~safety of the child or the child's sibling and knowingly~~
23 ~~failed to do so.~~

24 1. As used in this subsection, the term "sibling"
25 means another child who resides with or is cared for by the
26 parent or parents regardless of whether the child is related
27 legally or by consanguinity.

28 2. As used in this subsection, the term "egregious
29 conduct ~~abuse~~" means abuse, abandonment, neglect, or any other
30 conduct of the parent or parents that is deplorable, flagrant,
31 or outrageous by a normal standard of conduct. Egregious

1 conduct ~~abuse~~ may include an act or omission that occurred
2 only once but was of such intensity, magnitude, or severity as
3 to endanger the life of the child.

4 (g) When the parent or parents have subjected the
5 child to aggravated child abuse as defined in s. 827.03,
6 sexual battery or sexual abuse as defined in s. 39.01, or
7 chronic abuse.

8 (h) When the parent or parents have committed murder
9 or voluntary manslaughter of another child of the parent, or a
10 felony assault that results in serious bodily injury to the
11 child or another child of the parent, or aided or abetted,
12 attempted, conspired, or solicited to commit such a murder or
13 voluntary manslaughter or felony assault.

14 (i) When the parental rights of the parent to a
15 sibling have been terminated involuntarily.

16 (2) Reasonable efforts to preserve and reunify
17 families shall not be required if a court of competent
18 jurisdiction has determined that any of the events described
19 in paragraphs (1)(e)-(i) have occurred.

20 (3)~~(2)~~ When a petition for termination of parental
21 rights is filed under subsection (1), a separate petition for
22 dependency need not be filed and the department need not offer
23 the parents a case plan with a goal of reunification, but may
24 instead file with the court a case plan with a goal of
25 termination of parental rights to allow continuation of
26 services until the termination is granted or until further
27 orders of the court are issued.

28 (4) When an expedited termination of parental rights
29 petition is filed, reasonable efforts shall be made to place
30 the child in a timely manner in accordance with the permanency
31

1 plan, and to complete whatever steps are necessary to finalize
2 the permanent placement of the child.

3 Section 72. Section 39.465, Florida Statutes, is
4 renumbered as section 39.807, Florida Statutes, and amended to
5 read:

6 39.807 ~~39.465~~ Right to counsel; guardian ad litem.--

7 (1)(a) At each stage of the proceeding under this
8 part, the court shall advise the parent, ~~guardian, or~~
9 ~~custodian~~ of the right to have counsel present. The court
10 shall appoint counsel for indigent ~~insolvent~~ persons. The
11 court shall ascertain whether the right to counsel is
12 understood and, where appropriate, is knowingly and
13 intelligently waived. The court shall enter its findings in
14 writing with respect to the appointment or waiver of counsel
15 for indigent ~~insolvent~~ parties.

16 (b) Once counsel has been retained or, in appropriate
17 circumstances, appointed to represent the parent of the child,
18 the attorney shall continue to represent the parent throughout
19 the proceedings or until the court has approved discontinuing
20 the attorney-client relationship. If the attorney-client
21 relationship is discontinued, the court shall advise the
22 parent of the right to have new counsel retained or appointed
23 for the remainder of the proceedings.

24 (c)(b)1. No waiver of counsel may be accepted if it
25 appears that the parent, ~~guardian, or custodian~~ is unable to
26 make an intelligent and understanding choice because of mental
27 condition, age, education, experience, the nature or
28 complexity of the case, or other factors.

29 2. A waiver of counsel made in court must be of
30 record. A waiver made out of court must be in writing with not
31 less than two attesting witnesses and must be filed with the

1 court. The witnesses shall attest to the voluntary execution
2 of the waiver.

3 3. If a waiver of counsel is accepted at any stage of
4 the proceedings, the offer of assistance of counsel must be
5 renewed by the court at each subsequent stage of the
6 proceedings at which the parent, ~~guardian, or custodian~~
7 appears without counsel.

8 (d)~~(c)~~ This subsection does not apply to any parent
9 who has voluntarily executed a written surrender of the child
10 and consent to the entry of a court order therefor and who
11 does not deny the allegations of the petition.

12 (2)(a) The court shall appoint a guardian ad litem to
13 represent the child in any termination of parental rights
14 proceedings and shall ascertain at each stage of the
15 proceedings whether a guardian ad litem has been appointed.

16 (b) The guardian ad litem has the following
17 responsibilities:

18 1. To investigate the allegations of the petition and
19 any subsequent matters arising in the case and, unless excused
20 by the court, to file a written report. This report must
21 include a statement of the wishes of the child and the
22 recommendations of the guardian ad litem and must be provided
23 to all parties and the court at least 48 hours before the
24 disposition hearing.

25 2. To be present at all court hearings unless excused
26 by the court.

27 3. To represent the interests of the child until the
28 jurisdiction of the court over the child terminates or until
29 excused by the court.

30 ~~4. To perform such other duties and undertake such~~
31 ~~other responsibilities as the court may direct.~~

1 (c) A guardian ad litem is not required to post bond
2 but shall file an acceptance of the office.

3 (d) A guardian ad litem is entitled to receive service
4 of pleadings and papers as provided by the Florida Rules of
5 Juvenile Procedure.

6 (e) This subsection does not apply to any voluntary
7 relinquishment of parental rights proceeding.

8 Section 73. Section 39.466, Florida Statutes, is
9 renumbered as section 39.808, Florida Statutes, and amended to
10 read:

11 39.808 ~~39.466~~ Advisory hearing; pretrial status
12 conference.--

13 (1) An advisory hearing on the petition to terminate
14 parental rights must be held as soon as possible after all
15 parties have been served with a copy of the petition and a
16 notice of the date, time, and place of the advisory hearing
17 for the petition.

18 (2) At the hearing the court shall inform the parties
19 of their rights under s. 39.807 ~~39.465~~, shall appoint counsel
20 for the parties in accordance with legal requirements, and
21 shall appoint a guardian ad litem to represent the interests
22 of the child if one has not already been appointed.

23 (3) The court shall set a date for an adjudicatory
24 hearing to be held within 45 days after the advisory hearing,
25 unless all of the necessary parties agree to some other
26 hearing date.

27 (4) An advisory hearing may not be held if a petition
28 is filed seeking an adjudication voluntarily to terminate
29 parental rights. Adjudicatory hearings for petitions for
30 voluntary termination must be held within 21 days after the
31 filing of the petition. Notice of the use of this subsection

1 must be filed with the court at the same time as the filing of
2 the petition to terminate parental rights.

3 (5) Not less than 10 days before the adjudicatory
4 hearing, the court shall conduct a prehearing status
5 conference to determine the order in which each party may
6 present witnesses or evidence, the order in which
7 cross-examination and argument shall occur, and any other
8 matters that may aid in the conduct of the adjudicatory
9 hearing to prevent any undue delay in the conduct of the
10 adjudicatory hearing.

11 Section 74. Section 39.467, Florida Statutes, is
12 renumbered as section 39.809, Florida Statutes, and
13 subsections (1) and (4) of said section are amended to read:

14 39.809 ~~39.467~~ Adjudicatory hearing.--

15 (1) In a hearing on a petition for termination of
16 parental rights, the court shall consider the elements
17 required for termination ~~as set forth in s. 39.4611~~. Each of
18 these elements must be established by clear and convincing
19 evidence before the petition is granted.

20 (4) All hearings involving termination of parental
21 rights are confidential and closed to the public. Hearings
22 involving more than one child may be held simultaneously when
23 the children involved are related to each other or were
24 involved in the same case. The child and the parents ~~or legal~~
25 ~~custodians~~ may be examined separately and apart from each
26 other.

27 Section 75. Section 39.4612, Florida Statutes, is
28 renumbered as section 39.810, Florida Statutes, and subsection
29 (3) of said section is amended to read:

30 39.810 ~~39.4612~~ Manifest best interests of the
31 child.--In a hearing on a petition for termination of parental

1 rights, the court shall consider the manifest best interests
2 of the child. This consideration shall not include a
3 comparison between the attributes of the parents and those of
4 any persons providing a present or potential placement for the
5 child. For the purpose of determining the manifest best
6 interests of the child, the court shall consider and evaluate
7 all relevant factors, including, but not limited to:

8 (3) The capacity of the parent or parents to care for
9 the child to the extent that the child's safety, well-being,
10 and physical, mental, and emotional health ~~and well-being~~ will
11 not be endangered upon the child's return home.

12 Section 76. Section 39.469, Florida Statutes, is
13 renumbered as section 39.811, Florida Statutes, and amended to
14 read:

15 39.811 ~~39.469~~ Powers of disposition; order of
16 disposition.--

17 (1) If the court finds that the grounds for
18 termination of parental rights have not been established by
19 clear and convincing evidence, the court shall:

20 (a) If grounds for dependency have been established,
21 adjudicate or readjudicate the child dependent and:

22 1. Enter an order placing or continuing the child in
23 out-of-home ~~foster~~ care under a case plan; or

24 2. Enter an order returning the child to the parent or
25 parents. The court shall retain jurisdiction over a child
26 returned to the parent or parents ~~or legal guardians~~ for a
27 period of 6 months, but, at that time, based on a report of
28 the social service agency and any other relevant factors, the
29 court shall make a determination as to whether its
30 jurisdiction shall continue or be terminated.

31

1 (b) If grounds for dependency have not been
2 established, dismiss the petition.

3 (2) If the child is in out-of-home ~~foster~~ care custody
4 of the department and the court finds that the grounds for
5 termination of parental rights have been established by clear
6 and convincing evidence, the court shall, by order, place the
7 child in the custody of the department for the purpose of
8 adoption or place the child in the custody of a licensed
9 child-placing agency for the purpose of adoption.

10 (3) If the child is in the custody of one parent and
11 the court finds that the grounds for termination of parental
12 rights have been established for the remaining parent by clear
13 and convincing evidence, the court shall enter an order
14 terminating the rights of the parent for whom the grounds have
15 been established and placing the child in the custody of the
16 remaining parent, granting that parent sole parental
17 responsibility for the child.

18 (4) If the child is neither in the custody of the
19 department ~~of Children and Family Services~~ nor in the custody
20 of a parent and the court finds that the grounds for
21 termination of parental rights have been established for
22 either or both parents, the court shall enter an order
23 terminating parental rights for the parent or parents for whom
24 the grounds for termination have been established and placing
25 the child with an appropriate custodian. If the parental
26 rights of both parents have been terminated, or if the
27 parental rights of only one parent have been terminated and
28 the court makes specific findings based on evidence presented
29 that placement with the remaining parent is likely to be
30 harmful to the child, the court may order that the child be
31 placed with a custodian other than the department after

1 hearing evidence of the suitability of such intended
2 placement. Suitability of the intended placement includes the
3 fitness and capabilities of the proposed ~~intended placement,~~
4 ~~with primary consideration being given to the welfare of the~~
5 ~~child; the fitness and capabilities of the proposed~~ custodian
6 to function as the primary caregiver ~~caretaker~~ for a
7 particular child; and the compatibility of the child with the
8 home in which the child is intended to be placed. If the
9 court orders that a child be placed with a custodian under
10 this subsection, the court shall appoint such custodian as the
11 guardian for the child as provided in s. 744.3021. The court
12 may modify the order placing the child in the custody of the
13 custodian and revoke the guardianship established under s.
14 744.3021 if the court subsequently finds that a party to the
15 proceeding other than a parent whose rights have been
16 terminated has shown a material change in circumstances which
17 causes the placement to be no longer in the best interest of
18 the child.

19 (5) If the court terminates parental rights, the court
20 shall enter a written order of disposition briefly stating the
21 facts upon which its decision to terminate the parental rights
22 is made. An order of termination of parental rights, whether
23 based on parental consent or after notice served as prescribed
24 in this part, permanently deprives the parents ~~or legal~~
25 ~~guardian~~ of any right to the child.

26 (6) The parental rights of one parent may be severed
27 without severing the parental rights of the other parent only
28 under the following circumstances:

29 (a) If the child has only one surviving parent;

30 (b) If the identity of a prospective parent has been
31 established as unknown after sworn testimony;

1 (c) If the parent whose rights are being terminated
2 became a parent through a single-parent adoption;

3 (d) If the protection of the child demands termination
4 of the rights of a single parent; or

5 (e) If the parent whose rights are being terminated
6 meets the criteria specified in s. 39.806(1)(d)~~39.464(1)(d)~~.

7 (7)(a) The termination of parental rights does not
8 affect the rights of grandparents unless the court finds that
9 continued visitation is not in the best interests of the child
10 or that such visitation would interfere with the goals of
11 permanency planning for the child.

12 (b) If the court terminates parental rights, it may
13 order that the parents or relatives of the parent whose rights
14 are terminated be allowed to maintain some contact with the
15 child pending adoption if the best interests of the child
16 support this continued contact, except as provided in
17 paragraph (a). If the court orders such continued contact, the
18 nature and frequency of the contact must be set forth in
19 written order and may be reviewed upon motion of any party,
20 including a prospective adoptive parent if a child has been
21 placed for adoption. If a child is placed for adoption, the
22 nature and frequency of the contact must be reviewed by the
23 court at the time the child is adopted.

24 (8) If the court terminates parental rights, it shall,
25 in its order of disposition, provide for a hearing, to be
26 scheduled no later than 30 days after the date of disposition,
27 in which the department or the licensed child-placing agency
28 shall provide to the court a plan for permanency for the
29 child. Reasonable efforts must be made to place the child in a
30 timely manner in accordance with the permanency plan, and to
31 complete whatever steps are necessary to finalize the

1 permanent placement of the child. Thereafter, until the
2 adoption of the child is finalized or the child reaches the
3 age of 18 years, whichever occurs first, the court shall hold
4 hearings at 6-month intervals to review the progress being
5 made toward permanency for the child.

6 (9) After termination of parental rights, the court
7 shall retain jurisdiction over any child for whom custody is
8 given to a social service agency until the child is adopted.
9 The court shall review the status of the child's placement and
10 the progress being made toward permanent adoptive placement.
11 As part of this continuing jurisdiction, for good cause shown
12 by the guardian ad litem for the child, the court may review
13 the appropriateness of the adoptive placement of the child.

14 Section 77. Section 39.47, Florida Statutes, is
15 renumbered as section 39.812, Florida Statutes, and amended to
16 read:

17 39.812 ~~39.47~~ Post disposition relief.--

18 (1) A licensed child-placing agency or the department
19 which is given custody of a child for subsequent adoption in
20 accordance with this chapter may place the child in a family
21 home for prospective subsequent adoption and the licensed
22 child-placing agency or the department may thereafter become a
23 party to any proceeding for the legal adoption of the child
24 and appear in any court where the adoption proceeding is
25 pending and consent to the adoption; and that consent alone
26 shall in all cases be sufficient.

27 (2) In any subsequent adoption proceeding, the parents
28 ~~and legal guardian~~ shall not be entitled to any notice
29 thereof, nor shall they be entitled to knowledge at any time
30 after the order terminating parental rights is entered of the
31 whereabouts of the child or of the identity or location of any

1 person having the custody of or having adopted the child,
2 except as provided by order of the court pursuant to this
3 chapter or chapter 63; and in any habeas corpus or other
4 proceeding involving the child brought by any parent ~~or legal~~
5 guardian of the child, no agent or contract provider of the
6 licensed child-placing agency or department shall be compelled
7 to divulge that information, but may be compelled to produce
8 the child before a court of competent jurisdiction if the
9 child is still subject to the guardianship of the licensed
10 child-placing agency or department.

11 (3) The entry of the custody order to the department
12 or licensed child-placing agency shall not entitle the
13 licensed child-placing agency or department to guardianship of
14 the estate or property of the child, but the licensed
15 child-placing agency or department shall be the guardian of
16 the person of the child.

17 (4) The court shall retain jurisdiction over any child
18 for whom custody is given to a licensed child-placing agency
19 or to the department until the child is adopted. After custody
20 of a child for subsequent adoption has been given to an agency
21 or the department, the court has jurisdiction for the purpose
22 of reviewing the status of the child and the progress being
23 made toward permanent adoptive placement. As part of this
24 continuing jurisdiction, for good cause shown by the guardian
25 ad litem for the child, the court may review the
26 appropriateness of the adoptive placement of the child.

27 ~~(5) The Legislature finds that children are most~~
28 ~~likely to realize their potential when they have the ability~~
29 ~~provided by good permanent families rather than spending long~~
30 ~~periods of time in temporary placements or unnecessary~~
31 ~~institutions. It is the intent of the Legislature that~~

1 ~~decisions be consistent with the child's best interests and~~
2 ~~that the department make proper adoptive placements as~~
3 ~~expeditiously as possible following a final judgment~~
4 ~~terminating parental rights.~~

5 Section 78. Section 39.813, Florida Statutes, is
6 created to read:

7 39.813 Continuing jurisdiction.--The court which
8 terminates the parental rights of a child who is the subject
9 of termination proceedings pursuant to this chapter shall
10 retain exclusive jurisdiction in all matters pertaining to the
11 child's adoption pursuant to chapter 63.

12 Section 79. Section 39.471, Florida Statutes, is
13 renumbered as section 39.814, Florida Statutes.

14 Section 80. Section 39.473, Florida Statutes, is
15 renumbered as section 39.815, Florida Statutes, and subsection
16 (1) of said section is amended to read:

17 39.815 ~~39.473~~ Appeal.--

18 (1) Any child, any parent ~~or~~ guardian ad litem, ~~or~~
19 ~~legal custodian~~ of any child, any other party to the
20 proceeding who is affected by an order of the court, or the
21 department may appeal to the appropriate district court of
22 appeal within the time and in the manner prescribed by the
23 Florida Rules of Appellate Procedure. The district court of
24 appeal shall give an appeal from an order terminating parental
25 rights priority in docketing and shall render a decision on
26 the appeal as expeditiously as possible. Appointed counsel
27 shall be compensated as provided in s. 39.0134 ~~39.474~~.

28 Section 81. Section 39.816, Florida Statutes, is
29 created to read:

30 39.816 Authorization for pilot and demonstration
31 projects.--

1 (1) Contingent upon receipt of a federal grant or
2 contract pursuant to s. 473A(i) of the Social Security Act, 42
3 U.S.C. 673A(i), enacted November 19, 1997, the department is
4 authorized to establish one or more pilot projects for the
5 following purposes:

6 (a) The development of best practice guidelines for
7 expediting termination of parental rights.

8 (b) The development of models to encourage the use of
9 concurrent planning.

10 (c) The development of specialized units and expertise
11 in moving children toward adoption as a permanency goal.

12 (d) The development of risk-assessment tools to
13 facilitate early identification of the children who will be at
14 risk of harm if returned home.

15 (e) The development of models to encourage the
16 fast-tracking of children who have not attained 1 year of age,
17 into preadoptive placements.

18 (f) The development of programs that place children
19 into preadoptive families without waiting for termination of
20 parental rights.

21 (2) Contingent upon receipt of federal authorization
22 and funding pursuant to s. 1130(a) of the Social Security Act,
23 42 U.S.C. 1320a-9, enacted November 19, 1997, the department
24 is authorized to establish one or more demonstration projects
25 for the following purposes:

26 (a) Identifying and addressing barriers that result in
27 delays to adoptive placements for children in out-of-home
28 care.

29 (b) Identifying and addressing parental substance
30 abuse problems that endanger children and result in the
31 placement of children in out-of-home care. This purpose may be

1 accomplished through the placement of children with their
2 parents in residential treatment facilities, including
3 residential treatment facilities for post-partum depression,
4 that are specifically designed to serve parents and children
5 together, in order to promote family reunification, and that
6 can ensure the health and safety of the children.

7 (c) Addressing kinship care.

8 Section 82. Section 39.817, Florida Statutes, is
9 created to read:

10 39.817 Foster care privatization demonstration pilot
11 project.--A pilot project shall be established through The
12 Ounce of Prevention Fund of Florida to contract with a private
13 entity for a foster care privatization demonstration project.
14 No more than 30 children with a goal of family reunification
15 shall be accepted into the program on a no-eject-or-reject
16 basis as identified by the department. Sibling groups shall be
17 kept together in one placement in their own communities.
18 Foster care parents shall be paid employees of the program.
19 The program shall provide for public/private partnerships,
20 community collaboration, counseling, and medical and legal
21 assistance, as needed. For purposes of identifying measurable
22 outcomes, the pilot project shall be located in a department
23 district with an integrated district management which was
24 selected as a family transition program site, has a population
25 of less than 500,000, has a total caseload of no more than
26 400, with and without board payment, and has a total foster
27 care case load of no more than 250.

28 Section 83. Part X of chapter 39, Florida Statutes,
29 consisting of sections 39.820, 39.821, 39.822, 39.823, 39.824,
30 39.825, 39.826, 39.827, 39.828, 39.829, and 39.8295, Florida
31 Statutes, shall be entitled to read:

1 PART X

2 GUARDIANS AD LITEM AND GUARDIAN ADVOCATES

3 Section 84. Section 39.820, Florida Statutes, is
4 created to read:

5 39.820 Definitions.--As used in this part, the term:

6 (1) "Guardian ad litem" as referred to in any civil or
7 criminal proceeding includes the following: a certified
8 guardian ad litem program, a duly certified volunteer, a staff
9 attorney, contract attorney, or certified pro bono attorney
10 working on behalf of a guardian ad litem or the program; staff
11 members of a program office; a court-appointed attorney; or a
12 responsible adult who is appointed by the court to represent
13 the best interests of a child in a proceeding as provided for
14 by law, including, but not limited to, this chapter, who is a
15 party to any judicial proceeding as a representative of the
16 child, and who serves until discharged by the court.

17 (2) "Guardian advocate" means a person appointed by
18 the court to act on behalf of a drug dependent newborn
19 pursuant to the provisions of this part.

20 Section 85. Section 415.5077, Florida Statutes, is
21 renumbered as section 39.821, Florida Statutes.

22 Section 86. Section 415.508, Florida Statutes, is
23 renumbered as section 39.822, Florida Statutes, and amended to
24 read:

25 39.822 ~~415.508~~ Appointment of guardian ad litem for
26 abused, abandoned, or neglected child.--

27 (1) A guardian ad litem shall be appointed by the
28 court at the earliest possible time to represent the child in
29 any child abuse, abandonment, or neglect judicial proceeding,
30 whether civil or criminal. Any person participating in a
31 civil or criminal judicial proceeding resulting from such

1 appointment shall be presumed prima facie to be acting in good
2 faith and in so doing shall be immune from any liability,
3 civil or criminal, that otherwise might be incurred or
4 imposed.

5 (2) In those cases in which the parents are
6 financially able, the parent or parents of the child shall
7 reimburse the court, in part or in whole, for the cost of
8 provision of guardian ad litem services. Reimbursement to the
9 individual providing guardian ad litem services shall not be
10 contingent upon successful collection by the court from the
11 parent or parents.

12 (3) The guardian ad litem or the program
13 representative shall review all disposition recommendations
14 and changes in placements, and must be present at all critical
15 stages of the dependency proceeding or submit a written report
16 of recommendations to the court.

17 Section 87. Section 415.5082, Florida Statutes, is
18 renumbered as section 39.823, Florida Statutes, and amended to
19 read:

20 39.823 ~~415.5082~~ Guardian advocates for drug dependent
21 newborns.--The Legislature finds that increasing numbers of
22 drug dependent children are born in this state. Because of
23 the parents' continued dependence upon drugs, the parents may
24 temporarily leave their child with a relative or other adult
25 or may have agreed to voluntary family services under s.
26 39.301(8) ~~415.505(1)(e)~~. The relative or other adult may be
27 left with a child who is likely to require medical treatment
28 but for whom they are unable to obtain medical treatment. The
29 purpose of this section is to provide an expeditious method
30 for such relatives or other responsible adults to obtain a
31 court order which allows them to provide consent for medical

1 treatment and otherwise advocate for the needs of the child
2 and to provide court review of such authorization.

3 Section 88. Section 415.5083, Florida Statutes, is
4 renumbered as section 39.824, Florida Statutes, and amended to
5 read:

6 39.824 ~~415.5083~~ Procedures and jurisdiction.--

7 (1) The Supreme Court is requested to adopt rules of
8 juvenile procedure by October 1, 1989, to implement this part
9 ~~ss. 415.5082-415.5089~~. All procedures, including petitions,
10 pleadings, subpoenas, summonses, and hearings in cases for the
11 appointment of a guardian advocate shall be according to the
12 Florida Rules of Juvenile Procedure unless otherwise provided
13 by law.

14 (2) The circuit court shall have exclusive original
15 jurisdiction of a proceeding in which appointment of a
16 guardian advocate is sought. The court shall retain
17 jurisdiction over a child for whom a guardian advocate is
18 appointed until specifically relinquished by court order.

19 Section 89. Section 415.5084, Florida Statutes, is
20 renumbered as section 39.825, Florida Statutes.

21 Section 90. Section 415.5085, Florida Statutes, is
22 renumbered as section 39.826, Florida Statutes.

23 Section 91. Section 415.5086, Florida Statutes, is
24 renumbered as section 39.827, Florida Statutes, and amended to
25 read:

26 39.827 ~~415.5086~~ Hearing for appointment of a guardian
27 advocate.--

28 (1) When a petition for appointment of a guardian
29 advocate has been filed with the circuit court, the hearing
30 shall be held within 14 days unless all parties agree to a
31 continuance. If a child is in need of necessary medical

1 treatment as defined in s. 39.01, the court shall hold a
2 hearing within 24 hours.

3 (2) At the hearing, the parents have the right to be
4 present, to present testimony, to call and cross-examine
5 witnesses, to be represented by counsel at their own expense,
6 and to object to the appointment of the guardian advocate.

7 (3) The hearing shall be conducted by the judge
8 without a jury, applying the rules of evidence in use in civil
9 cases. In a hearing on a petition for appointment of a
10 guardian advocate, the moving party shall prove all the
11 elements in s. 39.828 ~~415.5087~~ by a preponderance of the
12 evidence.

13 (4) The hearing under this section shall remain
14 confidential and closed to the public. The clerk shall keep
15 all court records required by this part ~~ss. 415.5082-415.5089~~
16 separate from other records of the circuit court. All court
17 records required by this part ~~ss. 415.5082-415.5089~~ shall be
18 confidential and exempt from the provisions of s. 119.07(1).
19 All records shall be inspected only upon order of the court by
20 persons deemed by the court to have a proper interest therein,
21 except that a child and the parents or custodians of the child
22 and their attorneys and the department and its designees shall
23 always have the right to inspect and copy any official record
24 pertaining to the child. The court may permit authorized
25 representatives of recognized organizations compiling
26 statistics for proper purposes to inspect and make abstracts
27 from official records, under whatever conditions upon their
28 use and disposition the court may deem proper, and may punish
29 by contempt proceedings any violation of those conditions.
30 All information obtained pursuant to this part ~~ss.~~
31 ~~415.5082-415.5089~~ in the discharge of official duty by any

1 judge, employee of the court, or authorized agent of the
2 department, shall be confidential and exempt from the
3 provisions of s. 119.07(1) and shall not be disclosed to
4 anyone other than the authorized personnel of the court or the
5 department and its designees, except upon order of the court.

6 Section 92. Section 415.5087, Florida Statutes, is
7 renumbered as section 39.828, Florida Statutes, and amended to
8 read:

9 39.828 ~~415.5087~~ Grounds for appointment of a guardian
10 advocate.--

11 (1) The court shall appoint the person named in the
12 petition as a guardian advocate with all the powers and duties
13 specified in s. 39.829 ~~415.5088~~ for an initial term of 1 year
14 upon a finding that:

15 (a) The child named in the petition is or was a drug
16 dependent newborn as described in s. 39.01(30)(g).
17 ~~415.503(10)(a)2.~~;

18 (b) The parent or parents of the child have
19 voluntarily relinquished temporary custody of the child to a
20 relative or other responsible adult;

21 (c) The person named in the petition to be appointed
22 the guardian advocate is capable of carrying out the duties as
23 provided in s. 39.829 ~~415.5088~~; and

24 (d) A petition to adjudicate the child dependent
25 pursuant to this chapter ~~39~~ has not been filed.

26 (2) The appointment of a guardian advocate does not
27 remove from the parents the right to consent to medical
28 treatment for their child. The appointment of a guardian
29 advocate does not prevent the filing of a subsequent petition
30 under this chapter ~~39~~ to have the child adjudicated dependent.
31

1 Section 97. Section 415.602, Florida Statutes, is
2 renumbered as section 39.902, Florida Statutes, and amended to
3 read:

4 39.902 ~~415.602~~ Definitions of terms used in ~~ss.~~
5 ~~415.601-415.608.~~--As used in this part ~~ss. 415.601-415.608,~~
6 the term:

7 ~~(1) "Department" means the Department of Children and~~
8 ~~Family Services.~~

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

11 (1)~~(3)~~ "Domestic violence" means any assault, battery,
12 sexual assault, sexual battery, or any criminal offense
13 resulting in physical injury or death of one family or
14 household member by another who is or was residing in the same
15 single dwelling unit.

16 (2)~~(4)~~ "Domestic violence center" means an agency that
17 provides services to victims of domestic violence, as its
18 primary mission.

19 (3)~~(5)~~ "Family or household member" means spouses,
20 former spouses, adults related by blood or marriage, persons
21 who are presently residing together as if a family or who have
22 resided together in the past as if a family, and persons who
23 have a child in common regardless of whether they have been
24 married or have resided together at any time.

25 Section 98. Section 415.603, Florida Statutes, is
26 renumbered as section 39.903, Florida Statutes, and subsection
27 (1) of said section is amended to read:

28 39.903 ~~415.603~~ Duties and functions of the department
29 with respect to domestic violence.--

30 (1) The department shall:

31

- 1 (a) Develop by rule criteria for the approval or
2 rejection of certification or funding of domestic violence
3 centers.
- 4 (b) Develop by rule minimum standards for domestic
5 violence centers to ensure the health and safety of the
6 clients in the centers.
- 7 (c) Receive and approve or reject applications for
8 certification of domestic violence centers, and receive and
9 approve or reject applications for funding of domestic
10 violence centers. When approving funding for a newly certified
11 domestic violence center, the department shall make every
12 effort to minimize any adverse economic impact on existing
13 certified centers or services provided within the same
14 district. In order to minimize duplication of services, the
15 department shall make every effort to encourage subcontracting
16 relationships with existing centers within the district. If
17 any of the required services are exempted by the department
18 under s. 39.905(1)(c)~~415.605(1)(c)~~, the center shall not
19 receive funding for those services.
- 20 (d) Evaluate each certified domestic violence center
21 annually to ensure compliance with the minimum standards. The
22 department has the right to enter and inspect the premises of
23 certified domestic violence centers at any reasonable hour in
24 order to effectively evaluate the state of compliance of these
25 centers with this part ~~ss. 415.601-415.608~~ and rules relating
26 to this part ~~those sections~~.
- 27 (e) Adopt rules to implement this part ~~ss.~~
28 ~~415.601-415.608~~.
- 29 (f) Promote the involvement of certified domestic
30 violence centers in the coordination, development, and
31

1 planning of domestic violence programming in the districts and
2 the state.

3 Section 99. Section 415.604, Florida Statutes, is
4 renumbered as section 39.904, Florida Statutes, and amended to
5 read:

6 39.904 ~~415.604~~ Report to the Legislature on the status
7 of domestic violence cases.--On or before January 1 of each
8 year, the department ~~of Children and Family Services~~ shall
9 furnish to the President of the Senate and the Speaker of the
10 House of Representatives a report on the status of domestic
11 violence in this state, which report shall include, but is not
12 limited to, the following:

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

14 (2) An identification of the areas of the state where
15 domestic violence is of significant proportions, indicating
16 the number of cases of domestic violence officially reported,
17 as well as an assessment of the degree of unreported cases of
18 domestic violence.

19 (3) An identification and description of the types of
20 programs in the state that assist victims of domestic violence
21 or persons who commit domestic violence, including information
22 on funding for the programs.

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

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

28 (6) An inventory and evaluation of existing prevention
29 programs.

30 (7) A listing of potential prevention efforts
31 identified by the department; the estimated annual cost of

1 providing such prevention services, both for a single client
2 and for the anticipated target population as a whole; an
3 identification of potential sources of funding; and the
4 projected benefits of providing such services.

5 Section 100. Section 415.605, Florida Statutes, is
6 renumbered as section 39.905, Florida Statutes, and
7 subsections (1) and (2) and paragraph (a) of subsection (6) of
8 said section are amended, to read:

9 39.905 ~~415.605~~ Domestic violence centers.--

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

12 (a) Provide a facility which will serve as a center to
13 receive and house persons who are victims of domestic
14 violence. For the purpose of this part ~~ss. 415.601-415.608~~,
15 minor children and other dependents of a victim, when such
16 dependents are partly or wholly dependent on the victim for
17 support or services, may be sheltered with the victim in a
18 domestic violence center.

19 (b) Receive the annual written endorsement of local
20 law enforcement agencies.

21 (c) Provide minimum services which include, but are
22 not limited to, information and referral services, counseling
23 and case management services, temporary emergency shelter for
24 more than 24 hours, a 24-hour hotline, training for law
25 enforcement personnel, assessment and appropriate referral of
26 resident children, and educational services for community
27 awareness relative to the incidence of domestic violence, the
28 prevention of such violence, and the care, treatment, and
29 rehabilitation for persons engaged in or subject to domestic
30 violence. If a 24-hour hotline, professional training, or
31 community education is already provided by a certified

1 domestic violence center within a district, the department may
2 exempt such certification requirements for a new center
3 serving the same district in order to avoid duplication of
4 services.

5 (d) Participate in the provision of orientation and
6 training programs developed for law enforcement officers,
7 social workers, and other professionals and paraprofessionals
8 who work with domestic violence victims to better enable such
9 persons to deal effectively with incidents of domestic
10 violence.

11 (e) Establish and maintain a board of directors
12 composed of at least three citizens, one of whom must be a
13 member of a local, municipal, or county law enforcement
14 agency.

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

17 (g) File with the department a list of the names of
18 the domestic violence advocates who are employed or who
19 volunteer at the domestic violence center who may claim a
20 privilege under s. 90.5036 to refuse to disclose a
21 confidential communication between a victim of domestic
22 violence and the advocate regarding the domestic violence
23 inflicted upon the victim. The list must include the title of
24 the position held by the advocate whose name is listed and a
25 description of the duties of that position. A domestic
26 violence center must file amendments to this list as
27 necessary.

28 (h) Demonstrate local need and ability to sustain
29 operations through a history of 18 consecutive months'
30 operation as a domestic violence center, including 12 months'
31 operation of an emergency shelter as provided in paragraph (c)

1 ~~defined in paragraph (1)(a)~~, and a business plan which
2 addresses future operations and funding of future operations.

3 (i) If its center is a new center applying for
4 certification, demonstrate that the services provided address
5 a need identified in the most current statewide needs
6 assessment approved by the department.

7 (2) If the department finds that there is failure by a
8 center to comply with the requirements established under this
9 part ss. 415.601-415.608 or with the rules adopted pursuant
10 thereto, the department may deny, suspend, or revoke the
11 certification of the center.

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

13 (a) Obtain certification pursuant to this part ss.
14 415.601-415.608. However, the issuance of a certificate will
15 not obligate the department to provide funding.

16 Section 101. Section 415.606, Florida Statutes, is
17 renumbered as section 39.906, Florida Statutes.

18 Section 102. Section 415.608, Florida Statutes, is
19 renumbered as section 39.908, Florida Statutes.

20 Section 103. Subsections (4) through (20) of section
21 20.19, Florida Statutes, are renumbered as subsections (5)
22 through (21), respectively, paragraph (b) of present
23 subsection (4), paragraph (o) of present subsection (7), and
24 paragraph (c) of present subsection (20) are amended, and a
25 new subsection (4) is added to said section, to read:

26 20.19 Department of Children and Family
27 Services.--There is created a Department of Children and
28 Family Services.

29 (4) CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES.--
30 The department is authorized to create certification programs
31 for family safety and preservation employees and agents to

1 ensure that only qualified employees and agents provide child
2 protection services. The department is authorized to develop
3 rules that include qualifications for certification, including
4 training and testing requirements, continuing education
5 requirements for ongoing certification, and decertification
6 procedures to be used to determine when an individual no
7 longer meets the qualifications for certification and to
8 implement the decertification of an employee or agent.

9 (5)(4) PROGRAM OFFICES.--

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

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

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

27 3. Children and Families Program Office.--The
28 responsibilities of this program office encompass early
29 intervention services for children and families at risk;
30 intake services for protective investigation of abandoned,
31 abused, and neglected children; interstate compact on the

- 1 placement of children programs; adoption; child care;
2 out-of-home care programs and other specialized services to
3 families; and child protection and sexual abuse treatment
4 teams created under chapter 39 ~~415~~, excluding medical
5 direction functions.
- 6 4. Alcohol, Drug Abuse, and Mental Health Program
7 Office.--The responsibilities of this office encompass all
8 alcohol, drug abuse, and mental health programs operated by
9 the department.
- 10 (7) HEALTH AND HUMAN SERVICES BOARDS.--
- 11 (o) Health and human services boards have the
12 following responsibilities, with respect to those programs and
13 services assigned to the districts, as developed jointly with
14 the district administrator:
- 15 1. Establish district outcome measures consistent with
16 statewide outcomes.
- 17 2. Conduct district needs assessments using
18 methodologies consistent with those established by the
19 secretary.
- 20 3. Negotiate with the secretary a district performance
21 agreement that:
- 22 a. Identifies current resources and services
23 available;
- 24 b. Identifies unmet needs and gaps in services;
- 25 c. Establishes service and funding priorities;
- 26 d. Establishes outcome measures for the district; and
27 e. Identifies expenditures and the number of clients
28 to be served, by service.
- 29 4. Provide budget oversight, including development and
30 approval of the district's legislative budget request.
31

- 1 5. Provide policy oversight, including development and
2 approval of district policies and procedures.
- 3 6. Act as a focal point for community participation in
4 department activities such as:
- 5 a. Assisting in the integration of all health and
6 social services within the community;
- 7 b. Assisting in the development of community
8 resources;
- 9 c. Advocating for community programs and services;
- 10 d. Receiving and addressing concerns of consumers and
11 others; and
- 12 e. Advising the district administrator on the
13 administration of service programs throughout the district.
- 14 7. Advise the district administrator on ways to
15 integrate the delivery of family and health care services at
16 the local level.
- 17 8. Make recommendations which would enhance district
18 productivity and efficiency, ensure achievement of performance
19 standards, and assist the district in improving the
20 effectiveness of the services provided.
- 21 9. Review contract provider performance reports.
- 22 10. Immediately upon appointment of the membership,
23 develop bylaws that clearly identify and describe operating
24 procedures for the board. At a minimum, the bylaws must
25 specify notice requirements for all regular and special
26 meetings of the board, the number of members required to
27 constitute a quorum, and the number of affirmative votes of
28 members present and voting that are required to take official
29 and final action on a matter before the board.
- 30 11.a. Determine the board's internal organizational
31 structure, including the designation of standing committees.

1 In order to foster the coordinated and integrated delivery of
2 family services in its community, a local board shall use a
3 committee structure that is based on issues, such as children,
4 housing, transportation, or health care. Each such committee
5 must include consumers, advocates, providers, and department
6 staff from every appropriate program area. In addition, each
7 board and district administrator shall jointly identify
8 community entities, including, but not limited to, the Area
9 Agency on Aging, and resources outside the department to be
10 represented on the committees of the board.

11 b. The district juvenile justice boards established in
12 s. 985.413 ~~39-025~~ constitute the standing committee on issues
13 relating to planning, funding, or evaluation of programs and
14 services relating to the juvenile justice continuum.

15 12. Participate with the secretary in the selection of
16 a district administrator according to the provisions of
17 paragraph (10) ~~(9)~~ (b).

18 13. Complete an annual evaluation of the district and
19 review the evaluation at a meeting of the board at which the
20 public has an opportunity to comment.

21 14. Provide input to the secretary on the annual
22 evaluation of the district administrator. The board may
23 request that the secretary submit a written report on the
24 actions to be taken to address negative aspects of the
25 evaluation. At any time, the board may recommend to the
26 secretary that the district administrator be discharged. Upon
27 receipt of such a recommendation, the secretary shall make a
28 formal reply to the board stating the action to be taken with
29 respect to the board's recommendation.

30 15. Elect a chair and other officers, as specified in
31 the bylaws, from among the members of the board.

1 (20) INNOVATION ZONES.--The health and human services
2 board may propose designation of an innovation zone for any
3 experimental, pilot, or demonstration project that furthers
4 the legislatively established goals of the department. An
5 innovation zone is a defined geographic area such as a
6 district, county, municipality, service delivery area, school
7 campus, or neighborhood providing a laboratory for the
8 research, development, and testing of the applicability and
9 efficacy of model programs, policy options, and new
10 technologies for the department.

11 (c) The Statewide Health and Human Services Board, in
12 conjunction with the secretary, shall develop a family
13 services innovation transfer network for the purpose of
14 providing information on innovation zone research and projects
15 or other effective initiatives in family services to the
16 health and human services boards established under subsection
17 (8)~~(7)~~.

18 Section 104. Paragraph (h) of subsection (1) of
19 section 20.43, Florida Statutes, is amended to read:

20 20.43 Department of Health.--There is created a
21 Department of Health.

22 (1) The purpose of the Department of Health is to
23 promote and protect the health of all residents and visitors
24 in the state through organized state and community efforts,
25 including cooperative agreements with counties. The
26 department shall:

27 (h) Provide medical direction for child protection
28 team and sexual abuse treatment functions created under
29 chapter 39 ~~415~~.

30 Section 105. Paragraph (b)2. of subsection (2) of
31 section 61.13, Florida Statutes, is amended to read:

1 61.13 Custody and support of children; visitation
2 rights; power of court in making orders.--

3 (2)

4 (b)

5 2. The court shall order that the parental
6 responsibility for a minor child be shared by both parents
7 unless the court finds that shared parental responsibility
8 would be detrimental to the child. Evidence that a parent has
9 been convicted of a felony of the third degree or higher
10 involving domestic violence, as defined in s. 741.28 and
11 chapter 775, or meets the criteria of s. 39.806(1)(d)
12 ~~39.464(1)(d)~~, creates a rebuttable presumption of detriment to
13 the child. If the presumption is not rebutted, shared parental
14 responsibility, including visitation, residence of the child,
15 and decisions made regarding the child, may not be granted to
16 the convicted parent. However, the convicted parent is not
17 relieved of any obligation to provide financial support. If
18 the court determines that shared parental responsibility would
19 be detrimental to the child, it may order sole parental
20 responsibility and make such arrangements for visitation as
21 will best protect the child or abused spouse from further
22 harm. Whether or not there is a conviction of any offense of
23 domestic violence or child abuse or the existence of an
24 injunction for protection against domestic violence, the court
25 shall consider evidence of domestic violence or child abuse as
26 evidence of detriment to the child.

27 a. In ordering shared parental responsibility, the
28 court may consider the expressed desires of the parents and
29 may grant to one party the ultimate responsibility over
30 specific aspects of the child's welfare or may divide those
31 responsibilities between the parties based on the best

1 interests of the child. Areas of responsibility may include
2 primary residence, education, medical and dental care, and any
3 other responsibilities that the court finds unique to a
4 particular family.

5 b. The court shall order "sole parental
6 responsibility, with or without visitation rights, to the
7 other parent when it is in the best interests of" the minor
8 child.

9 c. The court may award the grandparents visitation
10 rights with a minor child if it is in the child's best
11 interest. Grandparents have legal standing to seek judicial
12 enforcement of such an award. This section does not require
13 that grandparents be made parties or given notice of
14 dissolution pleadings or proceedings, nor do grandparents have
15 legal standing as "contestants" as defined in s. 61.1306. A
16 court may not order that a child be kept within the state or
17 jurisdiction of the court solely for the purpose of permitting
18 visitation by the grandparents.

19 Section 106. Section 61.401, Florida Statutes, is
20 amended to read:

21 61.401 Appointment of guardian ad litem.--In an action
22 for dissolution of marriage, modification, parental
23 responsibility, custody, or visitation, if the court finds it
24 is in the best interest of the child, the court may appoint a
25 guardian ad litem to act as next friend of the child,
26 investigator or evaluator, not as attorney or advocate. The
27 court in its discretion may also appoint legal counsel for a
28 child to act as attorney or advocate; however, the guardian
29 and the legal counsel shall not be the same person. In such
30 actions which involve an allegation of child abuse,
31 abandonment, or neglect as defined in s. 39.01 ~~415.503(3)~~,

1 which allegation is verified and determined by the court to be
2 well-founded, the court shall appoint a guardian ad litem for
3 the child. The guardian ad litem shall be a party to any
4 judicial proceeding from the date of the appointment until the
5 date of discharge.

6 Section 107. Section 61.402, Florida Statutes, is
7 amended to read:

8 61.402 Qualifications of guardians ad litem.--A
9 guardian ad litem must be either a citizen certified by the
10 Guardian Ad Litem Program to act in family law cases or an
11 attorney who is a member in good standing of The Florida Bar.
12 Prior to certifying a guardian ad litem to be appointed under
13 this chapter, the Guardian Ad Litem Program must conduct a
14 security background investigation as provided in s. 39.821
15 ~~415.5077~~.

16 Section 108. Subsection (4) of section 63.052, Florida
17 Statutes, is amended to read:

18 63.052 Guardians designated; proof of commitment.--

19 (4) If a child is voluntarily surrendered to an
20 intermediary for subsequent adoption and the adoption does not
21 become final within 180 days, the intermediary must report to
22 the court on the status of the child and the court may at that
23 time proceed under s. 39.701 ~~39.453~~ or take action reasonably
24 necessary to protect the best interest of the child.

25 Section 109. Paragraph (b) of subsection (2) of
26 section 63.092, Florida Statutes, is amended to read:

27 63.092 Report to the court of intended placement by an
28 intermediary; preliminary study.--

29 (2) PRELIMINARY HOME STUDY.--Before placing the minor
30 in the intended adoptive home, a preliminary home study must
31 be performed by a licensed child-placing agency, a licensed

1 professional, or agency described in s. 61.20(2), unless the
2 petitioner is a stepparent, a spouse of the birth parent, or a
3 relative. The preliminary study shall be completed within 30
4 days after the receipt by the court of the intermediary's
5 report, but in no event may the child be placed in the
6 prospective adoptive home prior to the completion of the
7 preliminary study unless ordered by the court. If the
8 petitioner is a stepparent, a spouse of the birth parent, or a
9 relative, the preliminary home study may be required by the
10 court for good cause shown. The department is required to
11 perform the preliminary home study only if there is no
12 licensed child-placing agency, licensed professional, or
13 agency described in s. 61.20(2), in the county where the
14 prospective adoptive parents reside. The preliminary home
15 study must be made to determine the suitability of the
16 intended adoptive parents and may be completed prior to
17 identification of a prospective adoptive child. A favorable
18 preliminary home study is valid for 1 year after the date of
19 its completion. A child must not be placed in an intended
20 adoptive home before a favorable preliminary home study is
21 completed unless the adoptive home is also a licensed foster
22 home under s. 409.175. The preliminary home study must
23 include, at a minimum:

24 (b) Records checks of the department's central abuse
25 registry ~~under chapter 415~~ and ~~statewide~~ criminal records
26 correspondence checks pursuant to s. 435.045 through the
27 Department of Law Enforcement on the intended adoptive
28 parents;

29

30 If the preliminary home study is favorable, a minor may be
31 placed in the home pending entry of the judgment of adoption.

1 A minor may not be placed in the home if the preliminary home
2 study is unfavorable. If the preliminary home study is
3 unfavorable, the intermediary or petitioner may, within 20
4 days after receipt of a copy of the written recommendation,
5 petition the court to determine the suitability of the
6 intended adoptive home. A determination as to suitability
7 under this subsection does not act as a presumption of
8 suitability at the final hearing. In determining the
9 suitability of the intended adoptive home, the court must
10 consider the totality of the circumstances in the home.

11 Section 110. Subsection (2) of section 90.5036,
12 Florida Statutes, is amended to read:

13 90.5036 Domestic violence advocate-victim privilege.--

14 (2) A victim has a privilege to refuse to disclose,
15 and to prevent any other person from disclosing, a
16 confidential communication made by the victim to a domestic
17 violence advocate or any record made in the course of
18 advising, counseling, or assisting the victim. The privilege
19 applies to confidential communications made between the victim
20 and the domestic violence advocate and to records of those
21 communications only if the advocate is registered under s.
22 39.905 ~~415.605~~ at the time the communication is made. This
23 privilege includes any advice given by the domestic violence
24 advocate in the course of that relationship.

25 Section 111. Section 154.067, Florida Statutes, is
26 amended to read:

27 154.067 Child abuse and neglect cases; duties.--The
28 Department of Health shall adopt a rule requiring every county
29 health department, as described in s. 154.01, to adopt a
30 protocol that, at a minimum, requires the county health
31 department to:

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

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

13 Section 112. Subsection (15) of section 213.053,
14 Florida Statutes, is amended to read:

15 213.053 Confidentiality and information sharing.--

16 (15) The department may disclose confidential taxpayer
17 information contained in returns, reports, accounts, or
18 declarations filed with the department by persons subject to
19 any state or local tax to the child support enforcement
20 program, to assist in the location of parents who owe or
21 potentially owe a duty of support pursuant to Title IV-D of
22 the Social Security Act, their assets, their income, and their
23 employer, and to the Department of Children and Family
24 Services for the purpose of diligent search activities
25 pursuant to chapter 39. Nothing in this subsection authorizes
26 the disclosure of information if such disclosure is prohibited
27 by federal law. Employees of the child support enforcement
28 program and of the Department of Children and Family Services
29 are bound by the same requirements of confidentiality and the
30 same penalties for violation of the requirements as the
31 department.

1 Section 113. Paragraph (a) of subsection (8) of
2 section 216.136, Florida Statutes, is amended to read:

3 216.136 Consensus estimating conferences; duties and
4 principals.--

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

6 (a) Duties.--The Child Welfare System Estimating
7 Conference shall develop the following information relating to
8 the child welfare system:

9 1. Estimates and projections of the number of initial
10 and additional reports of child abuse, abandonment, or neglect
11 made to the central abuse hotline ~~registry and tracking system~~
12 maintained by the Department of Children and Family Health and
13 ~~Rehabilitative~~ Services as established in s. 39.201(4)
14 ~~415.504(4)(a)~~.

15 2. Estimates and projections of the number of children
16 who are alleged to be victims of child abuse, abandonment, or
17 neglect and are in need of placement in a an emergency
18 shelter.

19
20 In addition, the conference shall develop other official
21 information relating to the child welfare system of the state
22 which the conference determines is needed for the state
23 planning and budgeting system. The Department of Children and
24 Family Health and Rehabilitative Services shall provide
25 information on the child welfare system requested by the Child
26 Welfare System Estimating Conference, or individual conference
27 principals, in a timely manner.

28 Section 114. Section 232.50, Florida Statutes, is
29 amended to read:

30 232.50 Child abuse, abandonment, and neglect
31 policy.--Every school board shall by March 1, 1985:

1 (1) Post in a prominent place in each school a notice
2 that, pursuant to chapter 39 415, all employees or agents of
3 the district school board have an affirmative duty to report
4 all actual or suspected cases of child abuse, abandonment, or
5 neglect, have immunity from liability if they report such
6 cases in good faith, and have a duty to comply with child
7 protective investigations and all other provisions of law
8 relating to child abuse, abandonment, and neglect. The notice
9 shall also include the statewide toll-free telephone number of
10 the state abuse registry.

11 (2) Provide that the superintendent, or the
12 superintendent's designee, at the request of the Department of
13 Children and Family Health and Rehabilitative Services, will
14 act as a liaison to the Department of Children and Family
15 ~~Health and Rehabilitative~~ Services and the child protection
16 team, as defined in s. 39.01 415.503, when in a case of
17 suspected child abuse, abandonment, or neglect or an unlawful
18 sexual offense involving a child the case is referred to such
19 a team; except that this subsection may in no instance be
20 construed as relieving or restricting the Department of
21 Children and Family Health and Rehabilitative Services from
22 discharging its duty and responsibility under the law to
23 investigate and report every suspected or actual case of child
24 abuse, abandonment, or neglect or unlawful sexual offense
25 involving a child.

26
27 Each district school board shall comply with the provisions of
28 this section, and such board shall notify the Department of
29 Education and the Department of Children and Family Health and
30 ~~Rehabilitative~~ Services of its compliance by March 1, 1985.

31

1 Section 115. Paragraph (a) of subsection (2) of
2 section 318.21, Florida Statutes, as amended by section 2(1)
3 of chapter 97-235, Laws of Florida, is amended to read:

4 318.21 Disposition of civil penalties by county
5 courts.--All civil penalties received by a county court
6 pursuant to the provisions of this chapter shall be
7 distributed and paid monthly as follows:

8 (2) Of the remainder:

9 (a) Fifteen and six-tenths percent shall be paid to
10 the General Revenue Fund of the state, except that the first
11 \$300,000 shall be deposited into the Grants and Donations
12 Trust Fund in the Department of Children and Family Services
13 for administrative costs, training costs, and costs associated
14 with the implementation and maintenance of Florida foster care
15 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

16 Section 116. Effective July 1, 1999, paragraph (a) of
17 subsection (2) of section 318.21, as amended by section 3(1)
18 of chapter 97-235, Laws of Florida, is amended to read:

19 318.21 Disposition of civil penalties by county
20 courts.--All civil penalties received by a county court
21 pursuant to the provisions of this chapter shall be
22 distributed and paid monthly as follows:

23 (2) Of the remainder:

24 (a) Ten and six-tenths percent shall be paid to the
25 General Revenue Fund of the state, except that the first
26 \$300,000 shall be deposited into the Grants and Donations
27 Trust Fund in the Department of Children and Family Services
28 for administrative costs, training costs, and costs associated
29 with the implementation and maintenance of Florida foster care
30 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

31

1 Section 117. Effective July 1, 2000, paragraph (a) of
2 subsection (2) of section 318.21, Florida Statutes, as amended
3 by section 4(1) of chapter 97-235, Laws of Florida, is amended
4 to read:

5 318.21 Disposition of civil penalties by county
6 courts.--All civil penalties received by a county court
7 pursuant to the provisions of this chapter shall be
8 distributed and paid monthly as follows:

9 (2) Of the remainder:

10 (a) Five and six-tenths percent shall be paid to the
11 General Revenue Fund of the state, except that the first
12 \$300,000 shall be deposited into the Grants and Donations
13 Trust Fund in the Department of Children and Family Services
14 for administrative costs, training costs, and costs associated
15 with the implementation and maintenance of Florida foster care
16 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

17 Section 118. Effective July 1, 2001, paragraph (a) of
18 subsection (2) of section 318.21, Florida Statutes, as amended
19 by section 5(1) of chapter 97-235, Laws of Florida, is amended
20 to read:

21 318.21 Disposition of civil penalties by county
22 courts.--All civil penalties received by a county court
23 pursuant to the provisions of this chapter shall be
24 distributed and paid monthly as follows:

25 (2) Of the remainder:

26 (a) Twenty and six-tenths percent shall be paid to the
27 County Article V Trust Fund, except that the first \$300,000
28 shall be deposited into the Grants and Donations Trust Fund in
29 the Department of Children and Family Services for
30 administrative costs, training costs, and costs associated
31

1 with the implementation and maintenance of Florida foster care
2 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

3 Section 119. Effective July 1, 2002, paragraph (a) of
4 subsection (2) of section 318.21, Florida Statutes, as amended
5 by section 6 of chapter 97-235, Laws of Florida, is amended to
6 read:

7 318.21 Disposition of civil penalties by county
8 courts.--All civil penalties received by a county court
9 pursuant to the provisions of this chapter shall be
10 distributed and paid monthly as follows:

11 (2) Of the remainder:

12 (a) Twenty and six-tenths percent shall be paid to the
13 General Revenue Fund of the state, except that the first
14 \$300,000 shall be deposited into the Grants and Donations
15 Trust Fund in the Department of Children and Family Services
16 for administrative costs, training costs, and costs associated
17 with the implementation and maintenance of Florida foster care
18 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

19 Section 120. Paragraph (e) of subsection (1) of
20 section 384.29, Florida Statutes, is amended to read:

21 384.29 Confidentiality.--

22 (1) All information and records held by the department
23 or its authorized representatives relating to known or
24 suspected cases of sexually transmissible diseases are
25 strictly confidential and exempt from the provisions of s.
26 119.07(1). Such information shall not be released or made
27 public by the department or its authorized representatives, or
28 by a court or parties to a lawsuit upon revelation by
29 subpoena, except under the following circumstances:

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

1 Section 121. Paragraph (e) of subsection (1) of
2 section 392.65, Florida Statutes, is amended to read:

3 392.65 Confidentiality.--

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

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

14 Section 122. The introductory paragraph of subsection
15 (14) of section 393.063, Florida Statutes, is amended to read:

16 393.063 Definitions.--For the purposes of this
17 chapter:

18 (14) "Direct service provider," also known as
19 "caregiver" in chapters 39 and chapter 415 or "caretaker" in
20 provisions relating to employment security checks, means a
21 person 18 years of age or older who has direct contact with
22 individuals with developmental disabilities and is unrelated
23 to the individuals with developmental disabilities.

24 Section 123. Section 395.1023, Florida Statutes, is
25 amended to read:

26 395.1023 Child abuse and neglect cases; duties.--Each
27 licensed facility shall adopt a protocol that, at a minimum,
28 requires the facility to:

29 (1) Incorporate a facility policy that every staff
30 member has an affirmative duty to report, pursuant to chapter
31

1 39 ~~415~~, any actual or suspected case of child abuse,
2 abandonment, or neglect; and
3 (2) In any case involving suspected child abuse,
4 abandonment, or neglect, designate, at the request of the
5 department, a staff physician to act as a liaison between the
6 hospital and the Department of Children and Family Services
7 office which is investigating the suspected abuse,
8 abandonment, or neglect, and the child protection team, as
9 defined in s. 39.01 ~~415.503~~, when the case is referred to such
10 a team.

11
12 Each general hospital and appropriate specialty hospital shall
13 comply with the provisions of this section and shall notify
14 the agency and the department of its compliance by sending a
15 copy of its policy to the agency and the department as
16 required by rule. The failure by a general hospital or
17 appropriate specialty hospital to comply shall be punished by
18 a fine not exceeding \$1,000, to be fixed, imposed, and
19 collected by the agency. Each day in violation is considered
20 a separate offense.

21 Section 124. Section 400.4174, Florida Statutes, is
22 amended to read:

23 400.4174 Reports of abuse in facilities.--When an
24 employee, volunteer, administrator, or owner of a facility has
25 a confirmed report of adult abuse, neglect, or exploitation,
26 as defined in s. 415.102, or a judicially determined report of
27 child abuse, abandonment, or neglect, as defined in s. 39.01
28 ~~415.503~~, and the protective investigator knows that the
29 individual is an employee, volunteer, administrator, or owner
30 of a facility, the agency shall be notified of the ~~confirmed~~
31 report.

1 Section 125. Paragraph (c) of subsection (2) of
2 section 400.556, Florida Statutes, is amended to read:

3 400.556 Denial, suspension, revocation of license;
4 administrative fines; investigations and inspections.--

5 (2) Each of the following actions by the owner of an
6 adult day care center or by its operator or employee is a
7 ground for action by the agency against the owner of the
8 center or its operator or employee:

9 (c) A confirmed report of adult abuse, neglect, or
10 exploitation, as defined in s. 415.102, or a report of child
11 abuse, abandonment, or neglect, as defined in s. 39.01
12 ~~415.503~~, which report has been upheld following a hearing held
13 pursuant to chapter 120 or a waiver of such hearing.

14 Section 126. Paragraph (a) of subsection (8) of
15 section 402.165, Florida Statutes, is amended to read:

16 402.165 Statewide Human Rights Advocacy Committee;
17 confidential records and meetings.--

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

20 1. Authority to receive, investigate, seek to
21 conciliate, hold hearings on, and act on complaints which
22 allege any abuse or deprivation of constitutional or human
23 rights of clients.

24 2. Access to all client records, files, and reports
25 from any program, service, or facility that is operated,
26 funded, licensed, or regulated by the Department of Children
27 and Family ~~Health and Rehabilitative~~ Services and any records
28 which are material to its investigation and which are in the
29 custody of any other agency or department of government. The
30 committee's investigation or monitoring shall not impede or
31 obstruct matters under investigation by law enforcement or

1 judicial authorities. Access shall not be granted if a
2 specific procedure or prohibition for reviewing records is
3 required by federal law and regulation which supersedes state
4 law. Access shall not be granted to the records of a private
5 licensed practitioner who is providing services outside
6 agencies and facilities and whose client is competent and
7 refuses disclosure.

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

26 Section 127. Paragraph (a) of subsection (8) of
27 section 402.166, Florida Statutes, is amended to read:

28 402.166 District human rights advocacy committees;
29 confidential records and meetings.--

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

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

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

1 Services, the committee shall report its findings to that
2 department.

3 Section 128. Section 409.1672, Florida Statutes, is
4 amended to read:

5 409.1672 Incentives for department employees.--In
6 order to promote accomplishing the goal of family
7 preservation, family reunification, or permanent placement of
8 a child in an adoptive home, the department may, pursuant to
9 s. 110, chapter 92-142, Laws of Florida, or subsequent
10 legislative authority and within existing resources, develop
11 monetary performance incentives such as bonuses, salary
12 increases, and educational enhancements for department
13 employees engaged in positions and activities related to the
14 child welfare system under chapter 39, ~~chapter 415~~, or this
15 chapter who demonstrate outstanding work in these areas.

16 Section 129. Subsection (8) and paragraph (c) of
17 subsection (9) of section 409.176, Florida Statutes, are
18 amended to read:

19 409.176 Registration of residential child-caring
20 agencies and family foster homes.--

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

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

27 (c) Violates the provisions of chapter 39 ~~415~~ or
28 chapter 827 regarding child abuse, abandonment, and neglect or
29 the provisions of s. 409.175 or chapter 435 regarding
30 screening.

31

1 The qualified association shall notify the department within
2 10 days of the suspension or revocation of the registration of
3 any Type II facility registered under this section.

4 Section 130. Paragraph (b) of subsection (10) of
5 section 409.2554, Florida Statutes, is amended to read:

6 409.2554 Definitions.--As used in ss.
7 409.2551-409.2598, the term:

8 (10) "Support" means:

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

12 Section 131. Section 409.2577, Florida Statutes, is
13 amended to read:

14 409.2577 Parent locator service.--The department shall
15 establish a parent locator service to assist in locating
16 parents who have deserted their children and other persons
17 liable for support of dependent children. The department
18 shall use all sources of information available, including the
19 Federal Parent Locator Service, and may request and shall
20 receive information from the records of any person or the
21 state or any of its political subdivisions or any officer
22 thereof. Any agency as defined in s. 120.52, any political
23 subdivision, and any other person shall, upon request, provide
24 the department any information relating to location, salary,
25 insurance, social security, income tax, and employment history
26 necessary to locate parents who owe or potentially owe a duty
27 of support pursuant to Title IV-D of the Social Security Act.
28 This provision shall expressly take precedence over any other
29 statutory nondisclosure provision which limits the ability of
30 an agency to disclose such information, except that law
31 enforcement information as provided in s. 119.07(3)(i) is not

1 required to be disclosed, and except that confidential
2 taxpayer information possessed by the Department of Revenue
3 shall be disclosed only to the extent authorized in s.
4 213.053(15). Nothing in this section requires the disclosure
5 of information if such disclosure is prohibited by federal
6 law. Information gathered or used by the parent locator
7 service is confidential and exempt from the provisions of s.
8 119.07(1). Additionally, the department is authorized to
9 collect any additional information directly bearing on the
10 identity and whereabouts of a person owing or asserted to be
11 owing an obligation of support for a dependent child.
12 Information gathered or used by the parent locator service is
13 confidential and exempt from the provisions of s. 119.07(1).
14 The department may make such information available only to
15 public officials and agencies of this state; political
16 subdivisions of this state; the custodial parent, legal
17 guardian, attorney, or agent of the child; and other states
18 seeking to locate parents who have deserted their children and
19 other persons liable for support of dependents, for the sole
20 purpose of establishing, modifying, or enforcing their
21 liability for support, and shall make such information
22 available to the Department of Children and Family Services
23 for the purpose of diligent search activities pursuant to
24 chapter 39. If the department has reasonable evidence of
25 domestic violence or child abuse and the disclosure of
26 information could be harmful to the custodial parent or the
27 child of such parent, the child support program director or
28 designee shall notify the Department of Children and Family
29 Services and the Secretary of the United States Department of
30 Health and Human Services of this evidence. Such evidence is
31

1 sufficient grounds for the department to disapprove an
2 application for location services.

3 Section 132. Subsection (29) of section 409.912,
4 Florida Statutes, is amended to read:

5 409.912 Cost-effective purchasing of health care.--The
6 agency shall purchase goods and services for Medicaid
7 recipients in the most cost-effective manner consistent with
8 the delivery of quality medical care. The agency shall
9 maximize the use of prepaid per capita and prepaid aggregate
10 fixed-sum basis services when appropriate and other
11 alternative service delivery and reimbursement methodologies,
12 including competitive bidding pursuant to s. 287.057, designed
13 to facilitate the cost-effective purchase of a case-managed
14 continuum of care. The agency shall also require providers to
15 minimize the exposure of recipients to the need for acute
16 inpatient, custodial, and other institutional care and the
17 inappropriate or unnecessary use of high-cost services.

18 (29) Each managed care plan that is under contract
19 with the agency to provide health care services to Medicaid
20 recipients shall annually conduct a background check with the
21 Florida Department of Law Enforcement of all persons with
22 ownership interest of 5 percent or more or executive
23 management responsibility for the managed care plan and shall
24 submit to the agency information concerning any such person
25 who has been found guilty of, regardless of adjudication, or
26 has entered a plea of nolo contendere or guilty to, any of the
27 offenses listed in s. 435.03 or has a confirmed report of
28 abuse, neglect, or exploitation pursuant to ~~part I of~~ chapter
29 415.

30 Section 133. Paragraph (a) of subsection (1) of
31 section 409.9126, Florida Statutes, is amended to read:

1 409.9126 Children with special health care needs.--

2 (1) As used in this section:

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

7 Section 134. Paragraph (f) of subsection (5) of
8 section 414.065, Florida Statutes, is amended to read:

9 414.065 Work requirements.--

10 (5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR
11 CHILDREN; PROTECTIVE PAYEES.--

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

16 Section 135. Section 435.045, Florida Statutes, is
17 created to read:

18 435.045 Requirements for prospective foster or
19 adoptive parents.--

20 (1) Unless an election provided for in subsection (2)
21 is made with respect to the state, the department shall
22 conduct criminal records checks equivalent to the level 2
23 screening required in s. 435.04(1) for any prospective foster
24 or adoptive parent before the foster or adoptive parent may be
25 finally approved for placement of a child on whose behalf
26 foster care maintenance payments or adoption assistance
27 payments under s. 471 of the Social Security Act, 42 U.S.C.
28 671, are to be made. Approval shall not be granted:

29 (a) In any case in which a record check reveals a
30 felony conviction for child abuse, abandonment, or neglect;
31 for spousal abuse; for a crime against children, including

1 child pornography, or for a crime involving violence,
2 including rape, sexual assault, or homicide but not including
3 other physical assault or battery, if the department finds
4 that a court of competent jurisdiction has determined that the
5 felony was committed at any time; and

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

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

24 (3) Subsection (2) shall not apply if the Governor has
25 notified the Secretary of the United States Department of
26 Health and Human Services in writing that the state has
27 elected to make subsection (2) inapplicable to the state, or
28 if the Legislature, by law, has elected to make subsection (2)
29 inapplicable to the state.

30 Section 136. Section 447.401, Florida Statutes, is
31 amended to read:

1 447.401 Grievance procedures.--Each public employer
2 and bargaining agent shall negotiate a grievance procedure to
3 be used for the settlement of disputes between employer and
4 employee, or group of employees, involving the interpretation
5 or application of a collective bargaining agreement. Such
6 grievance procedure shall have as its terminal step a final
7 and binding disposition by an impartial neutral, mutually
8 selected by the parties; however, when the issue under appeal
9 is an allegation of abuse, abandonment, or neglect by an
10 employee under s. 39.201 or s. 415.1075 ~~or s. 415.504~~, the
11 grievance may not be decided until the abuse, abandonment, or
12 neglect of a child has been judicially determined or until a
13 confirmed report of abuse or neglect of a disabled adult or
14 elderly person has been upheld pursuant to the procedures for
15 appeal in ~~s. ss-415.1075 and 415.504~~. However, an arbiter or
16 other neutral shall not have the power to add to, subtract
17 from, modify, or alter the terms of a collective bargaining
18 agreement. If an employee organization is certified as the
19 bargaining agent of a unit, the grievance procedure then in
20 existence may be the subject of collective bargaining, and any
21 agreement which is reached shall supersede the previously
22 existing procedure. All public employees shall have the right
23 to a fair and equitable grievance procedure administered
24 without regard to membership or nonmembership in any
25 organization, except that certified employee organizations
26 shall not be required to process grievances for employees who
27 are not members of the organization. A career service
28 employee shall have the option of utilizing the civil service
29 appeal procedure, an unfair labor practice procedure, or a
30 grievance procedure established under this section, but such
31

1 employee is precluded from availing himself or herself to more
2 than one of these procedures.

3 Section 137. Paragraph (d) of subsection (1) of
4 section 464.018, Florida Statutes, is amended to read:

5 464.018 Disciplinary actions.--

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

8 (d) Being found guilty, regardless of adjudication, of
9 any of the following offenses:

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

11 2. A violation of chapter 812, relating to theft,
12 robbery, and related crimes.

13 3. A violation of chapter 817, relating to fraudulent
14 practices.

15 4. A violation of chapter 800, relating to lewdness
16 and indecent exposure.

17 5. A violation of chapter 784, relating to assault,
18 battery, and culpable negligence.

19 6. A violation of chapter 827, relating to child
20 abuse.

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

23 8. A violation of chapter 39, relating to child abuse,
24 abandonment, and neglect.

25 Section 138. Paragraph (a) of subsection (2) of
26 section 490.014, Florida Statutes, is amended to read:

27 490.014 Exemptions.--

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

30 (a) Is a salaried employee of a government agency;
31 developmental services program, mental health, alcohol, or

1 drug abuse facility operating pursuant to chapter 393, chapter
2 394, or chapter 397; subsidized child care program, subsidized
3 child care case management program, or child care resource and
4 referral program operating pursuant to chapter 402;
5 child-placing or child-caring agency licensed pursuant to
6 chapter 409; domestic violence center certified pursuant to
7 chapter 39 ~~415~~; accredited academic institution; or research
8 institution, if such employee is performing duties for which
9 he or she was trained and hired solely within the confines of
10 such agency, facility, or institution.

11 Section 139. Paragraph (a) of subsection (4) of
12 section 491.014, Florida Statutes, is amended to read:

13 491.014 Exemptions.--

14 (4) No person shall be required to be licensed,
15 provisionally licensed, registered, or certified under this
16 chapter who:

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

29 Section 140. Paragraph (b) of subsection (3) of
30 section 741.30, Florida Statutes, is amended to read:

31

1 Distinguishing marks or scars....
2 (e) Aliases of respondent:
3 (f) Respondent is the spouse or former spouse of the
4 petitioner or is any other person related by blood or marriage
5 to the petitioner or is any other person who is or was
6 residing within a single dwelling unit with the petitioner, as
7 if a family, or is a person with whom the petitioner has a
8 child in common, regardless of whether the petitioner and
9 respondent are or were married or residing together, as if a
10 family.
11 (g) The following describes any other cause of action
12 currently pending between the petitioner and respondent:
13
14 The petitioner should also describe any previous or
15 pending attempts by the petitioner to obtain an injunction for
16 protection against domestic violence in this or any other
17 circuit, and the results of that attempt.....
18
19 Case numbers should be included if available.
20 (h) Petitioner has suffered or has reasonable cause to
21 fear imminent domestic violence because respondent has:
22 (i) Petitioner alleges the following additional
23 specific facts: (mark appropriate sections)
24Petitioner is the custodian of a minor child or
25 children whose names and ages are as follows:
26Petitioner needs the exclusive use and possession
27 of the dwelling that the parties share.
28Petitioner is unable to obtain safe alternative
29 housing because:
30
31

1 Petitioner genuinely fears that respondent
2 imminently will abuse, remove, or hide the minor child or
3 children from petitioner because:
4
5 (j) Petitioner genuinely fears imminent domestic
6 violence by respondent.
7 (k) Petitioner seeks an injunction: (mark appropriate
8 section or sections)
9 Immediately restraining the respondent from
10 committing any acts of domestic violence.
11 Restraining the respondent from committing any acts
12 of domestic violence.
13 Awarding to the petitioner the temporary exclusive
14 use and possession of the dwelling that the parties share or
15 excluding the respondent from the residence of the petitioner.
16 Awarding temporary custody of, or temporary
17 visitation rights with regard to, the minor child or children
18 of the parties, or prohibiting or limiting visitation to that
19 which is supervised by a third party.
20 Establishing temporary support for the minor child
21 or children or the petitioner.
22 Directing the respondent to participate in a
23 batterers' intervention program or other treatment pursuant to
24 s. 39.901 ~~415.601~~.
25 Providing any terms the court deems necessary for
26 the protection of a victim of domestic violence, or any minor
27 children of the victim, including any injunctions or
28 directives to law enforcement agencies.
29 Section 141. Subsection (3) of section 744.309,
30 Florida Statutes, is amended to read:
31

1 744.309 Who may be appointed guardian of a resident
2 ward.--
3 (3) DISQUALIFIED PERSONS.--No person who has been
4 convicted of a felony or who, from any incapacity or illness,
5 is incapable of discharging the duties of a guardian, or who
6 is otherwise unsuitable to perform the duties of a guardian,
7 shall be appointed to act as guardian. Further, no person who
8 has been judicially determined to have committed abuse,
9 abandonment, or neglect against a child as defined in s.
10 ~~39.01(2) and (47)~~, or who has a confirmed report of abuse,
11 neglect, or exploitation which has been uncontested or upheld
12 pursuant to the provisions of ss. 415.104 and 415.1075 shall
13 be appointed to act as a guardian. Except as provided in
14 subsection (5) or subsection (6), a person who provides
15 substantial services to the proposed ward in a professional or
16 business capacity, or a creditor of the proposed ward, may not
17 be appointed guardian and retain that previous professional or
18 business relationship. A person may not be appointed a
19 guardian if he or she is in the employ of any person, agency,
20 government, or corporation that provides service to the
21 proposed ward in a professional or business capacity, except
22 that a person so employed may be appointed if he or she is the
23 spouse, adult child, parent, or sibling of the proposed ward
24 or the court determines that the potential conflict of
25 interest is insubstantial and that the appointment would
26 clearly be in the proposed ward's best interest. The court
27 may not appoint a guardian in any other circumstance in which
28 a conflict of interest may occur.
29 Section 142. Section 784.075, Florida Statutes, is
30 amended to read:
31

1 784.075 Battery on detention or commitment facility
2 staff.--A person who commits a battery on an intake counselor
3 or case manager, as defined in s. 984.03(31)~~39.01(34)~~, on
4 other staff of a detention center or facility as defined in s.
5 984.03(19)~~39.01(23)~~, or on a staff member of a commitment
6 facility as defined in s. 985.03(45)~~39.01(59)(c), (d), or~~
7 ~~(e)~~, commits a felony of the third degree, punishable as
8 provided in s. 775.082, s. 775.083, or s. 775.084. For
9 purposes of this section, a staff member of the facilities
10 listed includes persons employed by the Department of Juvenile
11 Justice, persons employed at facilities licensed by the
12 Department of Juvenile Justice, and persons employed at
13 facilities operated under a contract with the Department of
14 Juvenile Justice.

15 Section 143. Section 933.18, Florida Statutes, is
16 amended to read:

17 933.18 When warrant may be issued for search of
18 private dwelling.--No search warrant shall issue under this
19 chapter or under any other law of this state to search any
20 private dwelling occupied as such unless:

- 21 (1) It is being used for the unlawful sale,
22 possession, or manufacture of intoxicating liquor;
- 23 (2) Stolen or embezzled property is contained therein;
- 24 (3) It is being used to carry on gambling;
- 25 (4) It is being used to perpetrate frauds and
26 swindles;
- 27 (5) The law relating to narcotics or drug abuse is
28 being violated therein;
- 29 (6) A weapon, instrumentality, or means by which a
30 felony has been committed, or evidence relevant to proving
31 said felony has been committed, is contained therein;

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

3 (a) Interference with custody, in violation of s.
4 787.03.

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

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

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

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

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

26
27 If, during a search pursuant to a warrant issued under this
28 section, a child is discovered and appears to be in imminent
29 danger, the law enforcement officer conducting such search may
30 remove the child from the private dwelling and take the child
31 into protective custody pursuant to chapter 39 ~~s. 415.506~~.

1 The term "private dwelling" shall be construed to include the
2 room or rooms used and occupied, not transiently but solely as
3 a residence, in an apartment house, hotel, boardinghouse, or
4 lodginghouse. No warrant shall be issued for the search of
5 any private dwelling under any of the conditions hereinabove
6 mentioned except on sworn proof by affidavit of some
7 creditable witness that he or she has reason to believe that
8 one of said conditions exists, which affidavit shall set forth
9 the facts on which such reason for belief is based.

10 Section 144. Subsection (10) of section 943.045,
11 Florida Statutes, is amended to read:

12 943.045 Definitions; ss. 943.045-943.08.--The
13 following words and phrases as used in ss. 943.045-943.08
14 shall have the following meanings:

15 (10) "Criminal justice agency" means:

16 (a) A court.

17 (b) The department.

18 (c) The Department of Juvenile Justice.

19 (d) The Department of Children and and Family
20 Services.

21 (e)~~(d)~~ Any other governmental agency or subunit
22 thereof which performs the administration of criminal justice
23 pursuant to a statute or rule of court and which allocates a
24 substantial part of its annual budget to the administration of
25 criminal justice.

26 Section 145. Section 944.401, Florida Statutes, is
27 amended to read:

28 944.401 Escapes from secure detention or residential
29 commitment facility.--An escape from any secure detention
30 facility maintained for the temporary detention of children,
31 pending adjudication, disposition, or placement; an escape

1 from any residential commitment facility defined in s.
2 985.03(45)~~39.01(59)~~, maintained for the custody, treatment,
3 punishment, or rehabilitation of children found to have
4 committed delinquent acts or violations of law; or an escape
5 from lawful transportation thereto or therefrom constitutes
6 escape within the intent and meaning of s. 944.40 and is a
7 felony of the third degree, punishable as provided in s.
8 775.082, s. 775.083, or s. 775.084.

9 Section 146. Subsection (3) of section 944.705,
10 Florida Statutes, is amended to read:

11 944.705 Release orientation program.--

12 (3) Any inmate who claims to be a victim of domestic
13 violence as defined in s. 741.28 shall receive, as part of the
14 release orientation program, referral to the nearest domestic
15 violence center certified under chapter 39 ~~ss.~~
16 ~~415.601-415.608~~.

17 Section 147. Subsections (2) and (41) of section
18 984.03, Florida Statutes, as amended by chapter 97-276, Laws
19 of Florida, are amended to read:

20 984.03 Definitions.--When used in this chapter, the
21 term:

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

29 (41) "Parent" means a woman who gives birth to a child
30 and a man whose consent to the adoption of the child would be
31 required under s. 63.062(1)(b). If a child has been legally

1 adopted, the term "parent" means the adoptive mother or father
2 of the child. The term does not include an individual whose
3 parental relationship to the child has been legally
4 terminated, or an alleged or prospective parent, unless the
5 parental status falls within the terms of either s. 39.503
6 ~~39.4051(7)~~ or s. 63.062(1)(b).

7 Section 148. Subsection (4) of section 984.10, Florida
8 Statutes, is amended to read:

9 984.10 Intake.--

10 (4) If the department has reasonable grounds to
11 believe that the child has been abandoned, abused, or
12 neglected, it shall proceed pursuant to the provisions of ~~s.~~
13 ~~415.505~~ and chapter 39.

14 Section 149. Paragraphs (a) and (c) of subsection (3)
15 of section 984.15, Florida Statutes, are amended to read:

16 984.15 Petition for a child in need of services.--

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

20 1. The department waives the requirement for a case
21 staffing committee.

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

26 3. The parent, guardian, or legal custodian does not
27 agree with the plan for services offered by the case staffing
28 committee.

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

1 (c) The petition must be in writing and must set forth
2 specific facts alleging that the child is a child in need of
3 services as defined in s. 984.03(9)~~39-01~~. The petition must
4 also demonstrate that the parent, guardian, or legal custodian
5 has in good faith, but unsuccessfully, participated in the
6 services and processes described in ss. 984.11 and 984.12
7 ~~39.424 and 39.426~~.

8 Section 150. Section 984.24, Florida Statutes, is
9 amended to read:

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

16 Section 151. Subsection (42) of section 985.03,
17 Florida Statutes, as amended by chapter 97-276, Laws of
18 Florida, is amended to read:

19 985.03 Definitions.--When used in this chapter, the
20 term:

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

30 Section 152. Paragraph (c) of subsection (4) of
31 section 985.303, Florida Statutes, is amended to read:

1 985.303 Neighborhood restorative justice.--
2 (4) DEFERRED PROSECUTION PROGRAM; PROCEDURES.--
3 (c) The board shall require the parent or legal
4 guardian of the juvenile who is referred to a Neighborhood
5 Restorative Justice Center to appear with the juvenile before
6 the board at the time set by the board. In scheduling board
7 meetings, the board shall be cognizant of a parent's or legal
8 guardian's other obligations. The failure of a parent or
9 legal guardian to appear at the scheduled board meeting with
10 his or her child or ward may be considered by the juvenile
11 court as an act of child neglect as defined by s. 39.01
12 ~~415.503(3)~~, and the board may refer the matter to the
13 Department of Children and Family Services for investigation
14 under the provisions of chapter 39 ~~415~~.
15 Section 153. Sections 39.0195, 39.0196, 39.39, 39.403,
16 39.4032, 39.4052, 39.4053, 39.449, 39.45, 39.457, 39.459,
17 39.4625, 39.472, 39.475, 415.5016, 415.50165, 415.5017,
18 415.50175, 415.5018, 415.50185, 415.5019, 415.502, 415.503,
19 415.505, 415.506, 415.5075, 415.509, and 415.514, Florida
20 Statutes, are repealed.
21 Section 154. Except as otherwise provided herein, this
22 act shall take effect October 1 of the year in which enacted.
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