

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; deleting  
14 the requirement for the Department of Children  
15 and Family Services to provide information to  
16 the state attorney; providing for the  
17 Department of Children and Family Services to  
18 report annually to the Legislature the number  
19 of reports referred to law enforcement  
20 agencies; providing for investigation by local  
21 law enforcement agencies of possible false  
22 reports; providing for law enforcement agencies  
23 to refer certain reports to the state attorney  
24 for prosecution; providing for law enforcement  
25 entities to handle certain reports of abuse or  
26 neglect during the pendency of such an  
27 investigation; providing procedures; specifying  
28 the penalty for knowingly and willfully making,  
29 or advising another to make, a false report;  
30 providing for state attorneys to report  
31 annually to the Legislature the number of

1 complaints that have resulted in informations  
2 or indictments and the disposition of those  
3 complaints; renumbering and amending s.  
4 415.5131, F.S., increasing an administrative  
5 fine for false reporting; providing for pt. III  
6 of ch. 39, F.S., entitled "Protective  
7 Investigations"; creating s. 39.301, F.S.;  
8 providing for child protective investigations;  
9 creating s. 39.302, F.S.; providing for  
10 protective investigations of institutional  
11 child abuse, abandonment, or neglect;  
12 renumbering and amending s. 415.5055, F.S.,  
13 relating to child protection teams and services  
14 and eligible cases; creating s. 39.3035, F.S.;  
15 providing standards for child advocacy centers  
16 eligible for state funding; renumbering and  
17 amending s. 415.507, F.S., relating to  
18 photographs, medical examinations, X rays, and  
19 medical treatment of an abused, abandoned, or  
20 neglected child; renumbering and amending s.  
21 415.5095, F.S., relating to a model plan for  
22 intervention and treatment in sexual abuse  
23 cases; creating s. 39.306, F.S.; providing for  
24 working agreements with local law enforcement  
25 to perform criminal investigations; renumbering  
26 and amending s. 415.50171, F.S., relating to  
27 reports of child-on-child sexual abuse;  
28 providing for pt. IV of ch. 39, F.S., entitled  
29 "Family Builders Program"; renumbering and  
30 amending s. 415.515, F.S., relating to  
31 establishment of the program; renumbering and

1 amending s. 415.516, F.S., relating to goals of  
2 the program; renumbering and amending s.  
3 415.517, F.S., relating to contracts for  
4 services; renumbering and amending s. 415.518,  
5 F.S., relating to family eligibility;  
6 renumbering s. 415.519, F.S., relating to  
7 delivery of services; renumbering and amending  
8 s. 415.520, F.S., relating to qualifications of  
9 program workers; renumbering s. 415.521, F.S.,  
10 relating to outcome evaluation; renumbering and  
11 amending s. 415.522, F.S., relating to funding;  
12 providing for pt. V of ch. 39, F.S., entitled  
13 "Taking Children into Custody and Shelter  
14 Hearings"; creating s. 39.395, F.S.; providing  
15 for medical or hospital personnel taking a  
16 child into protective custody; amending s.  
17 39.401, F.S.; providing for law enforcement  
18 officers or authorized agents of the department  
19 taking a child alleged to be dependent into  
20 custody; amending s. 39.402, F.S., relating to  
21 placement in a shelter; amending s. 39.407,  
22 F.S., relating to physical and mental  
23 examination and treatment of a child and  
24 physical or mental examination of a person  
25 requesting custody; renumbering and amending s.  
26 39.4033, F.S., relating to referral of a  
27 dependency case to mediation; providing for pt.  
28 VI of ch. 39, F.S., entitled "Petition,  
29 Arraignment, Adjudication, and Disposition";  
30 renumbering and amending s. 39.404, F.S.,  
31 relating to petition for dependency;

1 renumbering and amending s. 39.405, F.S.,  
 2 relating to notice, process, and service;  
 3 renumbering and amending s. 39.4051, F.S.,  
 4 relating to procedures when the identity or  
 5 location of the parent, legal custodian, or  
 6 caregiver is unknown; renumbering and amending  
 7 s. 39.4055, F.S., relating to injunction  
 8 pending disposition of a petition for detention  
 9 or dependency; renumbering and amending s.  
 10 39.406, F.S., relating to answers to petitions  
 11 or other pleadings; renumbering and amending s.  
 12 39.408(1), F.S., relating to arraignment  
 13 hearings; renumbering and amending ss.  
 14 39.408(2) and 39.409, F.S., relating to  
 15 adjudicatory hearings and orders; renumbering  
 16 and amending ss. 39.408(3) and (4) and 39.41,  
 17 F.S., relating to disposition hearings and  
 18 powers of disposition; creating s. 39.5085,  
 19 F.S.; establishing the Relative Caregiver  
 20 Program; directing the Department of Children  
 21 and Family Services to establish and operate  
 22 the Relative-Caregiver Program; providing  
 23 financial assistance within available resources  
 24 to relatives caring for children; providing for  
 25 financial assistance and support services to  
 26 relatives caring for children placed with them  
 27 by the child protection system; providing for  
 28 rules establishing eligibility guidelines,  
 29 caregiver benefits, and payment schedule;  
 30 renumbering and amending s. 39.4105, F.S.,  
 31 relating to grandparents rights; renumbering

1 and amending s. 39.413, F.S., relating to  
2 appeals; providing for pt. VII of ch. 39, F.S.,  
3 entitled "Case Plans"; renumbering and amending  
4 ss. 39.4031 and 39.451, F.S., relating to case  
5 plan requirements and case planning for  
6 children in out-of-home care; renumbering and  
7 amending s. 39.452(1)-(4), F.S., relating to  
8 case planning for children in out-of-home care  
9 when the parents, legal custodians, or  
10 caregivers do not participate; renumbering and  
11 amending s. 39.452(5), F.S., relating to court  
12 approvals of case planning; providing for pt.  
13 VIII of ch. 39, F.S., entitled "Judicial  
14 Reviews"; renumbering and amending s. 39.453,  
15 F.S., relating to judicial review of the status  
16 of a child; renumbering and amending s.  
17 39.4531, F.S., relating to citizen review  
18 panels; renumbering and amending s. 39.454,  
19 F.S., relating to initiation of proceedings for  
20 termination of parental rights; renumbering and  
21 amending s. 39.456, F.S.; revising exemptions  
22 from judicial review; providing for pt. IX of  
23 ch. 39, F.S., entitled "Termination of Parental  
24 Rights"; renumbering and amending ss. 39.46 and  
25 39.462, F.S., relating to procedures,  
26 jurisdiction, and service of process;  
27 renumbering and amending ss. 39.461 and  
28 39.4611, F.S., relating to petition for  
29 termination of parental rights, and filing and  
30 elements thereof; creating s. 39.803, F.S.;  
31 providing procedures when the identity or

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

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



1 perpetrators; renumbering and amending s.  
 2 415.602, F.S., relating to definitions;  
 3 renumbering and amending s. 415.603, F.S.,  
 4 relating to duties and functions of the  
 5 department; renumbering and amending s.  
 6 415.604, F.S., relating to an annual report to  
 7 the Legislature; renumbering and amending s.  
 8 415.605, F.S., relating to domestic violence  
 9 centers; renumbering s. 415.606, F.S., relating  
 10 to referral to such centers and notice of  
 11 rights; renumbering s. 415.608, F.S., relating  
 12 to confidentiality of information received by  
 13 the department or a center; amending ss. 20.43,  
 14 61.13, 61.401, 61.402, 63.052, 63.092, 90.5036,  
 15 154.067, 216.136, 232.50, 318.21, 384.29,  
 16 392.65, 393.063, 395.1023, 400.4174, 400.556,  
 17 402.165, 402.166, 409.1672, 409.176, 409.2554,  
 18 409.912, 409.9126, 414.065, 447.401, 464.018,  
 19 490.014, 491.014, 741.30, 744.309, 784.075,  
 20 933.18, 944.401, 944.705, 984.03, 984.10,  
 21 984.15, 984.24, 985.03, and 985.303, F.S.;  
 22 correcting cross references; conforming related  
 23 provisions and references; amending s. 20.19,  
 24 F.S.; providing for certification programs for  
 25 family safety and preservation employees of the  
 26 department; providing for rules; amending ss.  
 27 213.053 and 409.2577, F.S.; authorizing  
 28 disclosure of certain confidential taxpayer and  
 29 parent locator information for diligent search  
 30 activities under ch. 39, F.S.; creating s.  
 31 435.045, F.S.; providing background screening

1 requirements for prospective foster or adoptive  
2 parents; amending s. 943.045, F.S.; providing  
3 that the Department of Children and Family  
4 Services is a "criminal justice agency" for  
5 purposes of the criminal justice information  
6 system; providing an appropriation; repealing  
7 s. 39.0195, F.S., relating to sheltering  
8 unmarried minors and aiding unmarried runaways;  
9 repealing s. 39.0196, F.S., relating to  
10 children locked out of the home; repealing ss.  
11 39.39, 39.449, and 39.459, F.S., relating to  
12 definition of "department"; repealing s.  
13 39.403, F.S., relating to protective  
14 investigation; repealing s. 39.4032, F.S.,  
15 relating to multidisciplinary case staffing;  
16 repealing s. 39.4052, F.S., relating to  
17 affirmative duty of written notice to adult  
18 relatives; repealing s. 39.4053, F.S., relating  
19 to diligent search after taking a child into  
20 custody; repealing s. 39.45, F.S., relating to  
21 legislative intent regarding foster care;  
22 repealing s. 39.457, F.S., relating to a pilot  
23 program in Leon County to provide additional  
24 benefits to children in foster care; repealing  
25 s. 39.4625, F.S., relating to identity or  
26 location of parent unknown after filing of  
27 petition for termination of parental rights;  
28 repealing s. 39.472, F.S., relating to court  
29 and witness fees; repealing s. 39.475, F.S.,  
30 relating to rights of grandparents; repealing  
31 ss. 415.5016, 415.50165, 415.5017, 415.50175,

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

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

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

PART I



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

17           ~~39.002 Legislative intent.--~~

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

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

23           (b) A permanent and stable home.

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

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

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

29           (f) Equal opportunity and access to quality and  
30 effective education, which will meet the individual needs of  
31

1 each child, and to recreation and other community resources to  
2 develop individual abilities.

3 (g) Access to preventive services.

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

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

27 (5)~~(3)~~ PARENTAL, CUSTODIAL, AND GUARDIAN  
28 RESPONSIBILITIES.--Parents, custodians, and guardians are  
29 deemed by the state to be responsible for providing their  
30 children with sufficient support, guidance, and supervision ~~to~~  
31 ~~deter their participation in delinquent acts~~. The state

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

11 ~~415.501 Prevention of abuse and neglect of children;~~  
 12 ~~state plan.--~~

13 (6)(1) LEGISLATIVE INTENT FOR THE PREVENTION OF ABUSE,  
 14 ABANDONMENT, AND NEGLECT OF CHILDREN.--The incidence of known  
 15 child abuse, abandonment, and child neglect has increased  
 16 rapidly over the past 5 years. The impact that abuse,  
 17 abandonment, or neglect has on the victimized child, siblings,  
 18 family structure, and inevitably on all citizens of the state  
 19 has caused the Legislature to determine that the prevention of  
 20 child abuse, abandonment, and neglect shall be a priority of  
 21 this state. To further this end, it is the intent of the  
 22 Legislature that a comprehensive approach for the prevention  
 23 of abuse, abandonment, and neglect of children be developed  
 24 for the state and that this planned, comprehensive approach be  
 25 used as a basis for funding.

26 (7)(2) PLAN FOR COMPREHENSIVE APPROACH.--

27 (a) The department ~~of Children and Family Services~~  
 28 shall develop a state plan for the prevention of abuse,  
 29 abandonment, and neglect of children and shall submit the plan  
 30 to the Speaker of the House of Representatives, the President  
 31 of the Senate, and the Governor no later than January 1, 1983.

1 The Department of Education and the Division of Children's  
 2 Medical Services of the Department of Health shall participate  
 3 and fully cooperate in the development of the state plan at  
 4 both the state and local levels. Furthermore, appropriate  
 5 local agencies and organizations shall be provided an  
 6 opportunity to participate in the development of the state  
 7 plan at the local level. Appropriate local groups and  
 8 organizations shall include, but not be limited to, community  
 9 mental health centers; guardian ad litem programs for children  
 10 under the circuit court; the school boards of the local school  
 11 districts; the district human rights advocacy committees;  
 12 private or public organizations or programs with recognized  
 13 expertise in working with children who are sexually abused,  
 14 physically abused, emotionally abused, abandoned, or neglected  
 15 and with expertise in working with the families of such  
 16 children; private or public programs or organizations with  
 17 expertise in maternal and infant health care;  
 18 multidisciplinary child protection teams; child day care  
 19 centers; law enforcement agencies, and the circuit courts,  
 20 when guardian ad litem programs are not available in the local  
 21 area. The state plan to be provided to the Legislature and  
 22 the Governor shall include, as a minimum, the information  
 23 required of the various groups in paragraph (b).

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

26 1. The department ~~of Children and Family Services~~  
 27 shall establish an interprogram task force comprised of the  
 28 Assistant Secretary for Children and Family Services, or a  
 29 designee, a representative from the Children and Families  
 30 Program Office, a representative from the Alcohol, Drug Abuse,  
 31 and Mental Health Program Office, a representative from the

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

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

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

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

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

24       e. Preparing the state plan for submission to the  
25 Legislature and the Governor. Such preparation shall include  
26 the collapsing of information obtained from the local plans,  
27 the cooperative plans with the Department of Education, and  
28 the plan of action for coordination and integration of  
29 departmental activities into one comprehensive plan. The  
30 comprehensive plan shall include a section reflecting general  
31 conditions and needs, an analysis of variations based on

1 population or geographic areas, identified problems, and  
2 recommendations for change. In essence, the plan shall  
3 provide an analysis and summary of each element of the local  
4 plans to provide a statewide perspective. The plan shall also  
5 include each separate local plan of action.

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

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

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

26 4. Within existing appropriations, the department ~~of~~  
27 ~~Children and Family Services~~ shall work with other appropriate  
28 public and private agencies to emphasize efforts to educate  
29 the general public about the problem of and ways to detect  
30 child abuse, abandonment, and neglect and in the proper action  
31 that should be taken in a suspected case of child abuse,

1 abandonment, or neglect. The plan for accomplishing this end  
2 shall be included in the state plan.

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

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

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

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

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

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

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

27 e. A plan for steps to be taken in meeting identified  
28 needs, including the coordination and integration of services  
29 to avoid unnecessary duplication and cost, and for alternative  
30 funding strategies for meeting needs through the reallocation  
31 of existing resources, utilization of volunteers, contracting



1 with local universities for services, and local government or  
2 private agency funding.

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

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

9 (8)~~(3)~~ FUNDING AND SUBSEQUENT PLANS.--

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

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

1            ~~(9)(3)~~ LIBERAL CONSTRUCTION.--It is the intent of the  
2 Legislature that this chapter be liberally interpreted and  
3 construed in conformity with its declared purposes.

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

7            39.0015 ~~415.5015~~ Child abuse prevention training in  
8 the district school system.--

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

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

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

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

18            (b) "Child abuse" means those acts as defined in ss.  
19 39.01, ~~415.503~~, and 827.04.

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

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

- 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 or mental health, educational,  
21 vocational, and social condition and family environment as  
22 they relate to the child's and caregiver's need for  
23 rehabilitative and treatment services, including substance  
24 abuse treatment services, mental health services,  
25 developmental services, literacy services, medical services,  
26 family services, and other specialized services, as  
27 appropriate.

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

31

1        ~~(19)(16)~~ "Department," ~~as used in this chapter,~~ means  
2 the Department of Children and Family Services.

3        ~~(20)(17)~~ "Diligent efforts by a parent, legal  
4 custodian, or caregiver" means a course of conduct which  
5 results in a reduction in risk to the child in the child's  
6 home that would allow the child to be safely placed  
7 permanently back in the home as set forth in the case plan.

8        ~~(21)(18)~~ "Diligent efforts of social service agency"  
9 means reasonable efforts to provide social services or  
10 reunification services made by any social service agency ~~as~~  
11 ~~defined in this section~~ that is a party to a case plan.

12        ~~(22)(19)~~ "Diligent search" means the efforts of a  
13 social service agency to locate a parent or prospective parent  
14 whose identity or location is unknown, ~~or a relative made~~  
15 ~~known to the social services agency by the parent or custodian~~  
16 ~~of a child. When the search is for a parent, prospective~~  
17 ~~parent, or relative of a child in the custody of the~~  
18 ~~department, this search must be~~ initiated as soon as the  
19 social service agency is made aware of the existence of such  
20 parent, with the search progress reported at each court  
21 hearing until the parent is either identified and located or  
22 the court excuses further search.~~prospective parent, or~~  
23 ~~relative. A diligent search shall include interviews with~~  
24 ~~persons who are likely to have information about the identity~~  
25 ~~or location of the person being sought, comprehensive database~~  
26 ~~searches, and records searches, including searches of~~  
27 ~~employment, residence, utilities, Armed Forces, vehicle~~  
28 ~~registration, child support enforcement, law enforcement, and~~  
29 ~~corrections records, and any other records likely to result in~~  
30 ~~identifying and locating the person being sought. The initial~~  
31 ~~diligent search must be completed within 90 days after a child~~

1 ~~is taken into custody. After the completion of the initial~~  
2 ~~diligent search, the department, unless excused by the court,~~  
3 ~~shall have a continuing duty to search for relatives with whom~~  
4 ~~it may be appropriate to place the child, until such relatives~~  
5 ~~are found or until the child is placed for adoption.~~

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

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

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

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

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

25 (a) Harassing, embarrassing, or harming another  
26 person;

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

28 (c) Acquiring custody of a child; or

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

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

4 39.0134 ~~39.415~~ Appointed counsel; compensation.--

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

10 ~~39.474 Appointed counsel; compensation.--~~

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

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

19 39.0135 ~~39.418~~ Operations and Maintenance Trust

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

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

30 PART II

31 REPORTING CHILD ABUSE

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 ~~###~~,  
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.

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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,  
 12 abandonment, or neglect has been made and for submitting all  
 13 identifying information relating to such a report to the  
 14 appropriate law enforcement agency and shall report annually  
 15 to the Legislature the number of reports referred the state  
 16 attorney for prosecution.

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

1 finds sufficient evidence for prosecution for filing a false  
2 report, it must refer the case to the appropriate state  
3 attorney for prosecution.

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

11 ~~(6)(5)~~ Each state attorney shall establish written  
12 procedures to facilitate the prosecution of persons under this  
13 section, and shall report to the Legislature annually the  
14 number of complaints that have resulted in the filing of an  
15 information or indictment and the disposition of those  
16 complaints under this section.

17 Section 19. Section 415.5131, Florida Statutes, is  
18 renumbered as section 39.206, Florida Statutes, and amended to  
19 read:

20 39.206 ~~415.5131~~ Administrative fines for false report  
21 of abuse, abandonment, or neglect of a child.--

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

28 (2) If the department alleges that a person has filed  
29 a false report with the central abuse hotline registry and  
30 ~~tracking system~~, the department must file a Notice of Intent  
31 which alleges the name, age, and address of the individual,

1 the facts constituting the allegation that the individual made  
2 a false report, and the administrative fine the department  
3 proposes to impose on the person. Each time that a false  
4 report is made constitutes a separate violation.

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

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

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

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

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

31

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

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

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

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

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

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

28 Section 20. Part III of chapter 39, Florida Statutes,  
29 consisting of sections 39.301, 39.302, 39.303, 39.3035,  
30 39.304, 39.305, 39.306, and 39.307, Florida Statutes, shall be  
31 entitled to read:

PART III

PROTECTIVE INVESTIGATIONS

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

39.301 Initiation of protective investigations.--

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

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

- 1. The names of the investigators and identifying credentials from the department.
- 2. The purpose of the investigation.
- 3. The right to obtain his or her own attorney and ways that the information provided by the subject may be used.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 order or other legal authority prior to examining and  
2 interviewing the child.

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

5 (a) Medical or other health care;

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

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

14  
15 such services shall first be offered for voluntary acceptance  
16 unless there are high-risk factors that may impact the ability  
17 of the parents, legal guardians, or caregivers to exercise  
18 judgment. Such factors may include the parents', legal  
19 guardians', or caregivers' young age or history of substance  
20 abuse or domestic violence. The parents, legal custodians, or  
21 caregivers shall be informed of the right to refuse services,  
22 as well as the responsibility of the department to protect the  
23 child regardless of the acceptance or refusal of services. If  
24 the services are refused and the department deems that the  
25 child's need for protection so requires, the department shall  
26 take the child into protective custody or petition the court  
27 as provided in this chapter.

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

1 parents and prospective parents and all next of kin, so far as  
2 are known.

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

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

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

11 (b) The family is likely to flee;

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

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

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

18  
19 the department shall orally notify the jurisdictionally  
20 responsible state attorney, and county sheriff's office or  
21 local police department, and, as soon as practicable, transmit  
22 the report to those agencies. The law enforcement agency  
23 shall review the report and determine whether a criminal  
24 investigation needs to be conducted and shall assume lead  
25 responsibility for all criminal fact-finding activities. A  
26 criminal investigation shall be coordinated, whenever  
27 possible, with the child protective investigation of the  
28 department. Any interested person who has information  
29 regarding an offense described in this subsection may forward  
30 a statement to the state attorney as to whether prosecution is  
31 warranted and appropriate.

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

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

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

12  
13 School instructional staff may only be present when authorized  
14 by this subsection. Information received during the interview  
15 or from any other source regarding the alleged abuse or  
16 neglect of the child shall be confidential and exempt from the  
17 provisions of s. 119.07(1), except as otherwise provided by  
18 court order. A separate record of the investigation of the  
19 abuse, abandonment, or neglect shall not be maintained by the  
20 school or school instructional staff member. Violation of this  
21 subsection constitutes a misdemeanor of the second degree,  
22 punishable as provided in s. 775.082 or s. 775.083.

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

29           Section 22. Section 39.302, Florida Statutes, is  
30 created to read:

31

1           39.302 Protective investigations of institutional  
2 child abuse, abandonment, or neglect.--

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

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

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

29           (3) Pursuant to the restrictive actions described in  
30 subsection (2), in cases of institutional abuse, abandonment,  
31 or neglect in which the removal of a subject of a report will

1 result in the closure of the facility, and when requested by  
2 the owner of the facility, the department may provide  
3 appropriate personnel to assist in maintaining the operation  
4 of the facility. The department may provide assistance when  
5 it can be demonstrated by the owner that there are no  
6 reasonable alternatives to such action. The length of the  
7 assistance shall be agreed upon by the owner and the  
8 department; however, the assistance shall not be for longer  
9 than the course of the restrictive action imposed pursuant to  
10 subsection (2). The owner shall reimburse the department for  
11 the assistance of personnel provided.

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

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

24 (6) In cases of institutional child abuse,  
25 abandonment, or neglect in which the multiplicity of reports  
26 of abuse, abandonment, or neglect or the severity of the  
27 allegations indicates the need for specialized investigation  
28 by the department in order to afford greater safeguards for  
29 the physical health, mental health, and welfare of the  
30 children in care, the department shall provide a team of  
31 persons specially trained in the areas of child abuse,

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

10 Section 23. Section 415.5055, Florida Statutes, is  
11 renumbered as section 39.303, Florida Statutes, and amended to  
12 read:

13 39.303 ~~415.5055~~ Child protection teams; services;  
14 eligible cases.--The department shall develop, maintain, and  
15 coordinate the services of one or more multidisciplinary child  
16 protection teams in each of the service districts of the  
17 department. Such teams may be composed of representatives of  
18 appropriate health, mental health, social service, legal  
19 service, and law enforcement agencies. The Legislature finds  
20 that optimal coordination of child protection teams and sexual  
21 abuse treatment programs requires collaboration between the  
22 Department of Health and the Department of Children and Family  
23 Services. The two departments shall maintain an interagency  
24 agreement that establishes protocols for oversight and  
25 operations of child protection teams and sexual abuse  
26 treatment programs. The Secretary of Health and the Director  
27 of the Division of Children's Medical Services, in  
28 consultation with the Secretary of Children and Family  
29 Services, shall maintain the responsibility for the screening,  
30 employment, and, if necessary, the termination of child  
31 protection team medical directors, at headquarters and in the

1 15 districts. Child protection team medical directors shall be  
2 responsible for oversight of the teams in the districts.

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

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

22 (b) Telephone consultation services in emergencies and  
23 in other situations.

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

26 (d) Such psychological and psychiatric diagnosis and  
27 evaluation services for the child or the child's parent or  
28 parents, legal custodian or custodians ~~guardian or guardians~~,  
29 or other caregivers, or any other individual involved in a  
30 child abuse, abandonment, or neglect case, as the team may  
31 determine to be needed.



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

8           (f) Expert medical, psychological, and related  
9 professional testimony in court cases.

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

23           (h) Case service coordination and assistance,  
24 including the location of services available from other public  
25 and private agencies in the community.

26           (i) Such training services for program and other  
27 department employees as is deemed appropriate to enable them  
28 to develop and maintain their professional skills and  
29 abilities in handling child abuse, abandonment, and neglect  
30 cases.

31

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

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

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

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

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

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

19           (e) Reported malnutrition of a child and failure of a  
20 child to thrive.

21           (f) Reported medical, physical, or emotional neglect  
22 of a child.

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

28           (h) Symptoms of serious emotional problems in a child  
29 when emotional or other abuse, abandonment, or neglect is  
30 suspected.

31

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

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

12           Section 24. Section 39.3035, Florida Statutes, is  
13 created to read:

14           39.3035 Child advocacy centers; standards; state  
15 funding.--

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

19           (a) Be a private, nonprofit incorporated agency or a  
20 governmental entity.

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

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

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

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

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

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

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

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

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

30           (3) Any child advocacy center within this state that  
31 meets the standards of subsection (1) and is certified by the

1 Florida Network of Children's Advocacy Centers, Inc., as being  
2 a full member in the organization shall be eligible to receive  
3 state funds that are appropriated by the Legislature.

4 Section 25. Section 415.507, Florida Statutes, is  
5 renumbered as section 39.304, Florida Statutes, and amended to  
6 read:

7 39.304 ~~415.507~~ Photographs, medical examinations, X  
8 rays, and medical treatment of abused, abandoned, or neglected  
9 child.--

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

31

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

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

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

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

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

25  
26 In no case shall the department consent to sterilization,  
27 abortion, or termination of life support.

28 (3) Any facility licensed under chapter 395 shall  
29 provide to the department, its agent, or a child protection  
30 team that contracts with the department any photograph or  
31 report on examinations made or X rays taken pursuant to this

1 section, or copies thereof, for the purpose of investigation  
2 or assessment of cases of abuse, abandonment, neglect, or  
3 exploitation of children.

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

7 (5)~~(4)~~ The county in which the child is a resident  
8 shall bear the initial costs of the examination of the  
9 allegedly abused, abandoned, or neglected child; however, the  
10 parents, caregiver ~~legal guardian~~, or legal custodian of the  
11 child shall be required to reimburse the county for the costs  
12 of such examination, other than an initial forensic physical  
13 examination as provided in s. 960.28, and to reimburse the  
14 department ~~of Children and Family Services~~ for the cost of the  
15 photographs taken pursuant to this section. A medical  
16 provider may not bill a child victim, directly or indirectly,  
17 for the cost of an initial forensic physical examination.

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

28 Section 26. Section 415.5095, Florida Statutes, is  
29 renumbered as section 39.305, Florida Statutes, and amended to  
30 read:

31

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

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

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

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

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



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

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

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

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

1 ~~family services response system approach~~ to address the  
2 allegations of the report.

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

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

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

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

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

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

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

26 PART IV

27 FAMILY BUILDERS PROGRAM

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

31

1           39.311 ~~415.515~~ Establishment of Family Builders

2 Program.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

10 (a) Pursuant to the provisions of this part, based  
11 upon sworn testimony, either before or after a petition is  
12 filed; or.

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

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

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

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

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



1 (a) Release the child to:

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

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

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

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

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

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

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

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

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

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

4           39.402 Placement in a shelter.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 to ensure the protection of the child in the home when such  
2 services are necessary for the child's health and safety.

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

28 (11)(12) If a ~~When any~~ child is placed in a shelter  
29 pursuant to ~~under~~ a court order following a shelter hearing,  
30 the court shall prepare a shelter hearing order requiring the  
31 parents of the child, or the guardian of the child's estate,

1 if possessed of assets which under law may be disbursed for  
2 the care, support, and maintenance of the child, to pay, to  
3 the department or institution having custody of the child,  
4 fees as established by the department. When the order affects  
5 the guardianship estate, a certified copy of the order shall  
6 be delivered to the judge having jurisdiction of the  
7 guardianship estate.

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

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

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

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

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

30 1. Because of an unavailability of evidence material  
31 to the case when the attorney for the department has exercised

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 residential facility for such evaluation, then the criteria  
2 and procedure established in s. 394.463(2) or chapter 393  
3 shall be used, whichever is applicable. The educational needs  
4 assessment provided by the district school board educational  
5 needs assessment team shall include, but not be limited to,  
6 reports of intelligence and achievement tests, screening for  
7 learning disabilities and other handicaps, and screening for  
8 the need for alternative education as defined in s. 230.23  
9 ~~230.2315(2)~~.

10 (4) A judge may order a child in the physical custody  
11 of the department to be treated by a licensed health care  
12 professional based on evidence that the child should receive  
13 treatment. The judge may also order such child to receive  
14 mental health or retardation services from a psychiatrist,  
15 psychologist, or other appropriate service provider. If it is  
16 necessary to place the child in a residential facility for  
17 such services, then the procedures and criteria established in  
18 s. 394.467 or chapter 393 shall be used, whichever is  
19 applicable. A child may be provided mental health or  
20 retardation services in emergency situations, pursuant to the  
21 procedures and criteria contained in s. 394.463(1) or chapter  
22 393, whichever is applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

7 PART VI

8 PETITION, ARRAIGNMENT, ADJUDICATION,  
9 AND DISPOSITION

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

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

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

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

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

30  
31

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

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

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

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

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

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

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

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

1 or custodian must be served with a copy of the petition at  
2 least 72 hours before the arraignment hearing.

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

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

8 39.502 ~~39.405~~ Notice, process, and service.--

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

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

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

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

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

30 (6) It is the duty of the petitioner or moving party  
31 to notify all participants and parties known to the petitioner

1 or moving party of all hearings subsequent to the initial  
2 hearing unless notice is contained in prior court orders and  
3 these orders were provided to the participant or party. Proof  
4 of notice or provision of orders may be provided by certified  
5 mail with a signed return receipt.

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

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

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

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

29 ~~(11)~~(10) Upon the application of a party or the  
30 petitioner, the clerk or deputy clerk shall issue, and the  
31 court on its own motion may issue, subpoenas requiring

1 attendance and testimony of witnesses and production of  
2 records, documents, and other tangible objects at any hearing.

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

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

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

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

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

31

1 health or developmental disability advocacy groups and  
2 encouraged to seek such services.

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

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

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

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

19 39.503 ~~39.4051~~ Identity or location of parent or legal  
20 custodian unknown; special procedures.--

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

28 (a) Whether the mother of the child was married at the  
29 probable time of conception of the child or at the time of  
30 birth of the child.

31

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

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

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

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

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

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

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

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

30 (6) The diligent search required by subsection (5)  
31 must include, at a minimum, inquiries of all relatives of the

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

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

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



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

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

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

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

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

31

1 Section 49. Section 39.406, Florida Statutes, is  
2 renumbered as section 39.505, Florida Statutes, and amended to  
3 read:

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

15 Section 50. Subsection (1) of section 39.408, Florida  
16 Statutes, is renumbered as section 39.506, Florida Statutes,  
17 and amended to read:

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

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

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

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

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

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

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

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

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

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

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

27           (9) At the conclusion of the arraignment hearing, all  
28 parties shall be notified in writing by the court of the date,  
29 time, and location for the next scheduled hearing.  
30  
31

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

22           Section 52. Subsections (3) and (4) of section 39.408,  
23 Florida Statutes, and section 39.41, Florida Statutes, as  
24 amended by chapter 97-276, Laws of Florida, are renumbered as  
25 section 39.508, Florida Statutes, and amended to read:

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           (6) A case plan and predisposition study must be filed  
26 with the court and served upon the parents, caregivers, or  
27 legal custodians of the child, provided to the representative  
28 of the guardian ad litem program, if the program has been  
29 appointed, and provided to all other parties not less than 72  
30 hours before the disposition hearing. All such case plans must  
31 be approved by the court. If the court does not approve the

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

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

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

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

22 ~~39.41 Powers of disposition.--~~

23 (8)(1) When any child is adjudicated by a court to be  
24 dependent, and the court finds that removal of the child from  
25 the custody of a parent, legal custodian, or caregiver is  
26 necessary, the court shall first determine whether there is a  
27 parent with whom the child was not residing at the time the  
28 events or conditions arose that brought the child within the  
29 jurisdiction of the court who desires to assume custody of the  
30 child and, if such parent requests custody, the court shall  
31 place the child with the parent unless it finds that such

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

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

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

1            ~~(9)(2)~~(a) When any child is adjudicated by a court to  
2 be dependent, the court having jurisdiction of the child has  
3 the power, by order, to:

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

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

11 ~~39.4033.~~

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

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

1 department ~~of Children and Family Services~~ shall set forth the  
2 powers of the custodian of the child and shall include the  
3 powers ordinarily granted to a guardian of the person of a  
4 minor unless otherwise specified.

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

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

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

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

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

31

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

1 hearing, the court shall enter an order changing the  
2 placement, modifying the conditions of protective supervision,  
3 or continuing the conditions of protective supervision as  
4 ordered. The standard for changing custody of the child from  
5 one parent to another or to a relative or caregiver must meet  
6 the home study criteria and court approval pursuant to this  
7 chapter.

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

15 ~~i0. Approve placement of the child in an independent~~  
16 ~~living arrangement for any foster child 16 years of age or~~  
17 ~~older, if it can be clearly established that this type of~~  
18 ~~alternate care arrangement is the most appropriate plan and~~  
19 ~~that the safety and welfare of the child will not be~~  
20 ~~jeopardized by such an arrangement. While in independent~~  
21 ~~living situations, children whose legal custody has been~~  
22 ~~awarded to the department or a licensed child-caring or~~  
23 ~~child-placing agency, or who have been voluntarily placed with~~  
24 ~~such an agency by a parent, guardian, relative, or adult~~  
25 ~~nonrelative approved by the court, continue to be subject to~~  
26 ~~the court review provisions of s. 39.453.~~

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

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

31 2. Special conditions of placement and visitation.

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

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

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

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

10           a. Six months after the date of the last review  
11 hearing; or

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

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

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

28           ~~(d)(5)(a)~~ If the court commits the child to the  
29 temporary legal custody of the department, the disposition  
30 order must include a written determination that the child  
31 cannot safely remain at home with reunification or family

1 preservation services and that removal of the child is  
2 necessary to protect the child. If the child has been removed  
3 before the disposition hearing, the order must also include a  
4 written determination as to whether, after removal, the  
5 department has made a reasonable effort to reunify the family.  
6 The department has the burden of demonstrating that it has  
7 made reasonable efforts under this paragraph ~~subsection~~.

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

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

14 ~~a.1.~~ Enter written findings as to whether or not  
15 prevention or reunification efforts were indicated.

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

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

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

26 ~~a.1.~~ The first contact of the department with the  
27 family occurs during an emergency.

28 ~~b.2.~~ The appraisal by the department of the home  
29 situation indicates that it presents a substantial and  
30 immediate danger to the child's safety or physical, mental, or

31

1 emotional health ~~child~~ which cannot be mitigated by the  
 2 provision of preventive services.

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

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

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

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

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

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

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

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



1 parent, but without the continuing obligation to search after  
 2 an initial adequate search is completed.

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

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

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

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

31

1 Section 53. Section 39.5085, Florida Statutes, is  
2 created to read:

3 39.5085 Relative Caregiver Program.--

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

6 (a) Recognize family relationships in which a  
7 grandparent or other relative is the head of a household that  
8 includes a child otherwise at risk of foster care placement.

9 (b) Enhance family preservation and stability by  
10 recognizing that most children in such placements with  
11 grandparents and other relatives do not need intensive  
12 supervision of the placement by the courts or by the  
13 department.

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 foster care placement  
17 because of abuse, abandonment, or neglect, but who may  
18 successfully be able to be placed by the dependency court in  
19 the care of such relatives.

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

24 (2)(a) The Department of Children and Family Services  
25 shall establish and operate the Relative-Caregiver Program  
26 pursuant to eligibility guidelines established in this section  
27 as further implemented by rule of the department. The  
28 Relative-Caregiver Program shall, within the limits of  
29 available funding, provide financial assistance to relatives  
30 who are within the fifth degree by blood or marriage to the  
31 parent or stepparent of a child and who are caring full-time

1 for that child in the role of substitute parent as a result of  
2 a departmental determination of child abuse, neglect, or  
3 abandonment and subsequent placement with the relative  
4 pursuant to chapter 39. Such placement may be either  
5 court-ordered temporary legal custody to the relative pursuant  
6 to s. 39.508(9), or court-ordered placement in the home of a  
7 relative under protective supervision of the department  
8 pursuant to s. 39.508(9). The Relative-Caregiver Program  
9 shall offer financial assistance to caregivers who are  
10 relatives and who would be unable to serve in that capacity  
11 without the relative-caregiver payment because of financial  
12 burden, thus exposing the child to the trauma of placement in  
13 a shelter or in foster care.

14 (b) Caregivers who are relatives and who receive  
15 assistance under this section must be capable, as determined  
16 by a home study, of providing a physically safe environment  
17 and a stable, supportive home for the children under their  
18 care, and must assure that the children's well-being is met,  
19 including, but not limited to, the provision of immunizations,  
20 education, and mental health services as needed.

21 (c) Relatives who qualify for and participate in the  
22 Relative-Caregiver Program are not required to meet foster  
23 care licensing requirements under s. 409.175.

24 (d) Relatives who are caring for children placed with  
25 them by the child protection system shall receive a special  
26 monthly relative-caregiver benefit established by rule of the  
27 department. The amount of the special benefit payment shall  
28 be based on the child's age within a payment schedule  
29 established by rule of the department and subject to  
30 availability of funding. The statewide average monthly rate  
31 for children judicially placed with relatives who are not

1 licensed as foster homes may not exceed 82 percent of the  
2 statewide average foster care rate, nor may the cost of  
3 providing the assistance described in this section to any  
4 relative-caregiver exceed the cost of providing out-of-home  
5 care in emergency shelter or foster care.

6 (e) Children receiving cash benefits under this  
7 section are not eligible to simultaneously receive WAGES cash  
8 benefits under chapter 414.

9 (f) Within available funding, the Relative-Caregiver  
10 Program shall provide relative-caregivers with family support  
11 and preservation services, flexible funds in accordance with  
12 s. 409.165, subsidized child care, and other available  
13 services in order to support the child's safety, growth, and  
14 healthy development. Children living with relative-caregivers  
15 who are receiving assistance under this section shall be  
16 eligible for medicaid coverage.

17 (g) The department may use appropriate available  
18 state, federal, and private funds to operate the  
19 Relative-Caregiver Program.

20 Section 54. Section 39.4105, Florida Statutes, is  
21 renumbered as section 39.509, Florida Statutes, and amended to  
22 read:

23 39.509 ~~39.4105~~ Grandparents rights.--Notwithstanding  
24 any other provision of law, a maternal or paternal grandparent  
25 as well as a stepgrandparent is entitled to reasonable  
26 visitation with his or her grandchild who has been adjudicated  
27 a dependent child and taken from the physical custody of the  
28 ~~his or her~~ parent, custodian, legal guardian, or caregiver  
29 unless the court finds that such visitation is not in the best  
30 interest of the child or that such visitation would interfere  
31 with the goals of the case plan pursuant to ~~s. 39.451~~.

1 Reasonable visitation may be unsupervised and, where  
2 appropriate and feasible, may be frequent and continuing.

3 (1) Grandparent visitation may take place in the home  
4 of the grandparent unless there is a compelling reason for  
5 denying such a visitation. The department's caseworker shall  
6 arrange the visitation to which a grandparent is entitled  
7 pursuant to this section. The state shall not charge a fee  
8 for any costs associated with arranging the visitation.  
9 However, the grandparent shall pay for the child's cost of  
10 transportation when the visitation is to take place in the  
11 grandparent's home. The caseworker shall document the reasons  
12 for any decision to restrict a grandparent's visitation.

13 (2) A grandparent entitled to visitation pursuant to  
14 this section shall not be restricted from appropriate displays  
15 of affection to the child, such as appropriately hugging or  
16 kissing his or her grandchild. Gifts, cards, and letters from  
17 the grandparent and other family members shall not be denied  
18 to a child who has been adjudicated a dependent child.

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

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

28 (5) The termination of parental rights does not affect  
29 the rights of grandparents unless the court finds that such  
30 visitation is not in the best interest of the child or that  
31

1 such visitation would interfere with the goals of permanency  
2 planning for the child.

3 (6)(5) In determining whether grandparental visitation  
4 is not in the child's best interest, consideration may be  
5 given to the finding of guilt, regardless of adjudication, or  
6 entry or plea of guilty or nolo contendere to charges under  
7 the following statutes, or similar statutes of other  
8 jurisdictions: s. 787.04, relating to removing minors from  
9 the state or concealing minors contrary to court order; s.  
10 794.011, relating to sexual battery; s. 798.02, relating to  
11 lewd and lascivious behavior; chapter 800, relating to  
12 lewdness and indecent exposure; or chapter 827, relating to  
13 the abuse of children. Consideration may also be given to a  
14 finding of confirmed abuse, abandonment, or neglect under ss.  
15 415.101-415.113 or this chapter and ~~ss. 415.502-415.514~~.

16 Section 55. Section 39.413, Florida Statutes, is  
17 renumbered as section 39.510, Florida Statutes, and subsection  
18 (1) of said section is amended to read:

19 39.510 ~~39.413~~ Appeal.--

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

27 Section 56. Part VII of chapter 39, Florida Statutes,  
28 consisting of sections 39.601, 39.602, and 39.603, Florida  
29 Statutes, shall be entitled to read:

30 PART VII

31 CASE PLANS

1           Section 57. Sections 39.4031 and 39.451, Florida  
2 Statutes, are renumbered as section 39.601, Florida Statutes,  
3 and amended to read:

4           39.601 ~~39.4031~~ Case plan requirements.--

5           (1) The department or agent of the department shall  
6 develop a case plan for each child or child's family receiving  
7 services pursuant to this chapter ~~who is a party to any~~  
8 ~~dependency proceeding, activity, or process under this part.~~  
9 A parent, caregiver, or legal guardian, ~~or~~ custodian of a  
10 child may not be required nor coerced through threat of loss  
11 of custody or parental rights to admit in the case plan to  
12 abusing, neglecting, or abandoning a child. Where dependency  
13 mediation services are available and appropriate to the best  
14 interests of the child, the court may refer the case to  
15 mediation for development of a case plan. This section does  
16 not change the provisions of s. 39.807 ~~39.464~~.

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

18           (a) The case plan must be developed in conference with  
19 the parent, caregiver, or legal guardian, ~~or~~ custodian of the  
20 child ~~and, if appropriate, the child and any court-appointed~~  
21 guardian ad litem and, if appropriate, the child. ~~Any parent~~  
22 ~~who believes that his or her perspective has not been~~  
23 ~~considered in the development of a case plan may request~~  
24 ~~referral to mediation pursuant to s. 39.4033 when such~~  
25 ~~services are available.~~

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

30           (c) The case plan must describe the minimum number of  
31 face-to-face meetings to be held each month between the

1 parents, caregivers, or legal custodians and the department's  
2 caseworkers to review progress of the plan, to eliminate  
3 barriers to progress, and to resolve conflicts or  
4 disagreements.

5 (d)(e) The case plan must be subject to modification  
6 based on changing circumstances.

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

8 (f)(e) The case plan must be reasonable, accurate, and  
9 in compliance with the requirements of other court orders.

10 (2)(3) When the child or family is receiving services  
11 in the child's home, the case plan must be developed within 30  
12 days from the date of the department's initial contact with  
13 the child, or within 30 days of the date of a disposition  
14 order placing the child under the protective supervision of  
15 the department in the child's own home, and must include, in  
16 addition to the requirements in subsection(1)(2), at a  
17 minimum:

18 (a) A description of the problem being addressed that  
19 includes the behavior or act of a parent, legal custodian, or  
20 caregiver resulting in risk to the child and the reason for  
21 the department's intervention.

22 (b) A description of the services to be provided to  
23 the family and child specifically addressing the identified  
24 problem, including:

- 25 1. Type of services or treatment.
- 26 2. Frequency of services or treatment.
- 27 3. Location of the delivery of the services.
- 28 4. The accountable department staff or service  
29 provider.

30 ~~5. The need for a multidisciplinary case staffing~~  
31 ~~under s. 39.4032.~~



1 (c) A description of the measurable objectives,  
2 including timeframes for achieving objectives, addressing the  
3 identified problem.

4 ~~(3)(4)~~ When the child is receiving services in a  
5 placement outside the child's home or in foster care, the case  
6 plan must be submitted to the court for approval at the  
7 disposition hearing prepared within 30 days after placement  
8 ~~and also be approved by the court~~ and must include, in  
9 addition to the requirements in subsections (1) and (2) ~~and~~  
10 ~~(3)~~, at a minimum:

11 (a) A description of the permanency goal for the  
12 child, including the type of placement. Reasonable efforts to  
13 place a child for adoption or with a legal guardian may be  
14 made concurrently with reasonable efforts to prevent removal  
15 of the child from the home or make it possible for the child  
16 to return safely home.

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

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

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

25 (e) A discussion of the safety and appropriateness of  
26 the child's placement, which placement is intended to be safe,  
27 ~~in~~ the least restrictive and most family-like setting  
28 available consistent with the best interest and special needs  
29 of the child, and in as close proximity as possible to the  
30 child's home. The plan must also establish the role for the  
31 foster parents or custodians in the development of the

1 services which are to be provided to the child, foster  
2 parents, or legal custodians. It must also address the child's  
3 need for services while under the jurisdiction of the court  
4 and implementation of these services in the case plan.

5 (f) A description of the efforts to be undertaken to  
6 maintain the stability of the child's educational placement.

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

11 (h)~~(g)~~ A description of the plan for assuring that  
12 services outlined in the case plan are provided to the child  
13 and the child's parent or parents, legal custodians, or  
14 caregivers, to improve the conditions in the family home and  
15 facilitate either the safe return of the child to the home or  
16 the permanent placement of the child.

17 (i)~~(h)~~ A description of the plan for assuring that  
18 services as outlined in the case plan are provided to the  
19 child and the child's parent or parents, legal custodians, or  
20 caregivers, to address the needs of the child and a discussion  
21 of the appropriateness of the services.

22 (j)~~(i)~~ A description of the plan for assuring that  
23 services are provided to the child and foster parents to  
24 address the needs of the child while in foster care, which  
25 shall include an itemized list of costs to be borne by the  
26 parent or caregiver associated with any services or treatment  
27 that the parent and child are expected to receive.

28 (k)~~(j)~~ A written notice to the parent that failure of  
29 the parent to substantially comply with the case plan may  
30 result in the termination of parental rights, and that a  
31 material failure to substantially comply may result in the

1 filing of a petition for termination of parental rights sooner  
2 than the compliance periods set forth in the case plan itself.  
3 The child protection team shall coordinate its effort with the  
4 case staffing committee.

5 (1) In the case of a child for whom the permanency  
6 plan is adoption or placement in another permanent home,  
7 documentation of the steps the agency is taking to find an  
8 adoptive family or other permanent living arrangement for the  
9 child, to place the child with an adoptive family, with a fit  
10 and willing relative, with a legal guardian, or in another  
11 planned permanent living arrangement, and to finalize the  
12 adoption or legal guardianship. At a minimum, such  
13 documentation shall include child-specific recruitment efforts  
14 such as the use of state, regional, and national adoption  
15 exchanges, including electronic exchange systems.

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

1 plan and that they may request judicial review of any  
2 provision of the case plan with which they disagree at any  
3 court review hearing set for the child.

4 ~~(5)(6)~~ The services delineated in the case plan must  
5 be designed to improve the conditions in the family home and  
6 aid in maintaining the child in the home, to facilitate the  
7 safe return of the child to the family home, or to facilitate  
8 the permanent placement of the child. The service intervention  
9 must be the least intrusive possible into the life of the  
10 family, must focus on clearly defined objectives, and must  
11 provide the most efficient path to quick reunification or  
12 permanent placement, with the child's health and safety being  
13 paramount. To the extent possible, the service intervention  
14 must be grounded in outcome evaluation results that  
15 demonstrate success in the reunification or permanent  
16 placement process. In designing service interventions,  
17 generally recognized standards of the professions involved in  
18 the process must be taken into consideration.

19 (6) After jurisdiction attaches, all case plans must  
20 be filed with the court and a copy provided to the parents,  
21 caregivers, or legal custodians of the child, to the  
22 representative of the guardian ad litem program if the program  
23 has been appointed, and to all other parties, not less than 72  
24 hours before the disposition hearing. All such case plans must  
25 be approved by the court. The department shall also file with  
26 the court all case plans prepared before jurisdiction of the  
27 court attached. If the court does not accept the case plan,  
28 the court shall require the parties to make necessary  
29 modifications to the plan. An amended plan must be submitted  
30 to the court for review and approval within 30 days after the  
31 hearing on the case plan.

1           ~~39.451 Case planning for children in foster care.--~~  
2           ~~(1) In presenting the case plan to the court, the~~  
3 ~~purpose of a case plan is to ensure permanency for children~~  
4 ~~through recording the actions to be taken by the parties~~  
5 ~~involved in order to quickly assure the safe return of the~~  
6 ~~child to the parents or, if this is not possible, the~~  
7 ~~termination of parental rights and the placement of the child~~  
8 ~~with the department or a licensed child-placing agency for the~~  
9 ~~purpose of finding a permanent adoptive home. Permanent~~  
10 ~~adoptive placement is the primary permanency goal when a child~~  
11 ~~is permanently placed with the department or a licensed~~  
12 ~~child-placing agency. If it is not possible to find a~~  
13 ~~permanent adoptive home, the case plan must record the actions~~  
14 ~~taken for preparing the child for alternative permanency goals~~  
15 ~~or placements such as long-term foster care or independent~~  
16 ~~living.~~

17           ~~(7)(2)~~ The case plan must be limited to as short a  
18 period as possible for the accomplishment of its provisions.  
19 Unless extended ~~under s. 39.453(8)~~, the plan expires no later  
20 than 12 ~~18~~ months after the date the child was initially  
21 removed from the home or the date the case plan was accepted  
22 by the court, whichever comes first.

23           ~~(8)(3)~~ The case plan must meet applicable federal and  
24 state requirements ~~as provided in s. 39.4031.~~

25           ~~(9)(4)(a)~~ In each case in which the custody of a child  
26 has been vested, either voluntarily or involuntarily, in the  
27 department and the child has been placed in out-of-home foster  
28 care, a case plan must be prepared within 60 ~~30~~ days after the  
29 department removes the child from the home, and shall be  
30 submitted to the court before the disposition hearing, ~~with a~~  
31 ~~hearing scheduled~~ for the court to review and accept ~~or modify~~

1 ~~the plan within an additional 30 days~~. If the preparation of a  
 2 case plan, in conference with the parents and other pertinent  
 3 parties, cannot be completed before the disposition hearing  
 4 ~~accomplished within 30 days~~, for good cause shown, the court  
 5 may grant an extension not to exceed 30 days and set a hearing  
 6 to review and accept the case plan.

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

10 (c) The social service agency, the department, and the  
 11 court, when applicable, shall inform the parent or parents,  
 12 legal custodians, or caregivers of the right to receive such  
 13 assistance, including the right to assistance of counsel.

14 ~~(d)(c)~~ Before the signing of the case plan, the  
 15 authorized agent of the department shall explain it to all  
 16 persons involved in its implementation, including, when  
 17 appropriate, the child.

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

25 ~~(f)(e)~~ The case plan may be amended at any time if all  
 26 parties are in agreement regarding the revisions to the plan  
 27 and the plan is submitted to the court with a memorandum of  
 28 explanation. The case plan may also be amended by the court or  
 29 upon motion of any party at a hearing, based on competent  
 30 evidence demonstrating the need for the amendment. A copy of  
 31

1 the amended plan must be immediately given to the parties  
2 specified in paragraph~~(e)~~~~(d)~~.

3 ~~(5) The case plan must be submitted to the court and~~  
4 ~~all parties for review and acceptance or modification at least~~  
5 ~~72 hours prior to a court hearing. If the court does not~~  
6 ~~accept any of the requirements of the case plan, the court~~  
7 ~~shall require the parties to make necessary modifications to~~  
8 ~~the plan. An amended plan must be submitted to the court for~~  
9 ~~review and approval within a time certain specified by the~~  
10 ~~court.~~

11 ~~(10)~~~~(6)~~ A case plan must be prepared, but need not be  
12 submitted to the court, for a child who will be in care no  
13 longer than 30 days unless that child is placed in out-of-home  
14 foster care a second time within a 12-month period.

15 Section 58. Subsections (1), (2), (3), and (4) of  
16 section 39.452, Florida Statutes, are renumbered as section  
17 39.602, Florida Statutes, and amended to read:

18 39.602 ~~39.452~~ Case planning when parents, legal  
19 custodians, or caregivers do not participate and the child is  
20 in out-of-home foster care.--

21 (1)~~(a)~~ In the event the parents, legal custodians, or  
22 caregivers will not or cannot participate in preparation of a  
23 case plan, the department shall submit a full explanation of  
24 the circumstances and ~~a plan for the permanent placement of~~  
25 ~~the child to the court within 30 days after the child has been~~  
26 ~~removed from the home and placed in temporary foster care and~~  
27 ~~schedule a court hearing within 30 days after submission of~~  
28 ~~the plan to the court to review and accept or modify the plan.~~  
29 ~~If preparation cannot be accomplished within 30 days, for good~~  
30 ~~cause shown, the court may grant extensions not to exceed 15~~  
31

1 ~~days each for the filing, the granting of which shall be for~~  
2 ~~similar reason to that contained in s. 39.451(4)(a).~~

3 ~~(b) In the full explanation of the circumstances~~  
4 ~~submitted to the court, the department shall state the nature~~  
5 of its efforts to secure such persons' ~~parental~~ participation  
6 in the preparation of a case plan.

7 (2) In a case in which the physical, emotional, or  
8 mental condition or physical location of the parent is the  
9 basis for the parent's nonparticipation, it is the burden of  
10 the department to provide substantial evidence to the court  
11 that such condition or location has rendered the parent unable  
12 or unwilling to participate in the preparation of a case plan,  
13 either pro se or through counsel. The supporting documentation  
14 must be submitted to the court at the time the plan is filed.

15 (3) The plan must include, but need not be limited to,  
16 the specific services to be provided by the department, the  
17 goals and plans for the child, and the time for accomplishing  
18 the provisions of the plan and for accomplishing permanence  
19 for the child.

20 (4)(a) At least 72 ~~Seventy-two~~ hours prior to the  
21 filing of a plan, all parties ~~each parent~~ must be provided  
22 with a copy of the plan developed by the department. If the  
23 location of one or both parents is unknown, this must be  
24 documented in writing and included in the plan submitted to  
25 the court. After the filing of the plan, if the location of  
26 an absent parent becomes known, that parent must be served  
27 with a copy of the plan.

28 (b) Before the filing of the plan, the department  
29 shall advise each parent, both orally and in writing, that the  
30 failure of the parents to substantially comply with a plan  
31 ~~which has reunification as its primary goal~~ may result in the



1 termination of parental rights, but only after notice and  
 2 hearing as provided in this chapter ~~part VI~~. If, after the  
 3 plan has been submitted to the court, an absent parent is  
 4 located, the department shall advise the parent, both orally  
 5 and in writing, that the failure of the parents to  
 6 substantially comply with a plan ~~which has reunification as~~  
 7 ~~its goal~~ may result in termination of parental rights, but  
 8 only after notice and hearing as provided in this chapter ~~part~~  
 9 ~~VI~~. Proof of written notification must be filed with the  
 10 court.

11 Section 59. Subsection (5) of section 39.452, Florida  
 12 Statutes, is renumbered as section 39.603, Florida Statutes,  
 13 and amended to read:

14 39.603 ~~39.452~~ Court approvals of case planning when  
 15 ~~parents do not participate and the child is in foster care.--~~

16 ~~(5)(a) The court shall set a hearing, with notice to~~  
 17 ~~all parties, on the plan or any provisions of the plan, within~~  
 18 ~~30 days after the plan has been received by the court. If the~~  
 19 ~~location of a parent is unknown, the notice must be directed~~  
 20 ~~to the last permanent address of record.~~

21 (1)(b) At the hearing on the plan, which shall occur  
 22 in conjunction with the disposition hearing unless otherwise  
 23 directed by the court, the court shall determine:

24 (a)†. All parties who were notified and are in  
 25 attendance at the hearing, either in person or through a legal  
 26 representative. The court shall appoint a guardian ad litem  
 27 under Rule 1.210, Florida Rules of Civil Procedure, to  
 28 represent the interests of any parent, if the location of the  
 29 parent is known but the parent is not present at the hearing  
 30 and the development of the plan is based upon the physical,  
 31

1 emotional, or mental condition or physical location of the  
2 parent.

3 (b)~~2~~. If the plan is consistent with previous orders  
4 of the court placing the child in care.

5 (c)~~3~~. If the plan is consistent with the requirements  
6 for the content of a plan as specified in this chapter  
7 ~~subsection (3)~~.

8 (d)~~4~~. In involuntary placements, whether each parent  
9 was notified of the right to counsel at each stage of the  
10 dependency proceedings, in accordance with the Florida Rules  
11 of Juvenile Procedure.

12 (e)~~5~~. Whether each parent whose location was known was  
13 notified of the right to participate in the preparation of a  
14 case plan and of the right to receive assistance from any  
15 other person in the preparation of the case plan.

16 (f)~~6~~. Whether the plan is meaningful and designed to  
17 address facts and circumstances upon which the court based the  
18 finding of dependency in involuntary placements or the plan is  
19 meaningful and designed to address facts and circumstances  
20 upon which the child was placed in out-of-home ~~foster~~ care  
21 voluntarily.

22 (2)~~(e)~~ When the court determines any of the elements  
23 considered at the hearing related to the plan have not been  
24 met, the court shall require the parties to make necessary  
25 amendments to the plan. The amended plan must be submitted to  
26 the court for review and approval within a time certain  
27 specified by the court. A copy of the amended plan must also  
28 be provided to each parent, if the location of the parent is  
29 known.

30 (3)~~(d)~~ A parent who has not participated in the  
31 development of a case plan must be served with a copy of the

1 plan developed by the department, if the parent can be  
2 located, at least 48 ~~72~~ hours prior to the court hearing. Any  
3 parent is entitled to, and may seek, a court review of the  
4 plan prior to the initial ~~6 months~~ review and must be  
5 informed of this right by the department at the time the  
6 department serves the parent with a copy of the plan. If the  
7 location of an absent parent becomes known to the department,  
8 the department shall inform the parent of the right to a court  
9 review at the time the department serves the parent with a  
10 copy of the case plan.

11 Section 60. Part VIII of chapter 39, Florida Statutes,  
12 consisting of sections 39.701, 39.702, 39.703, and 39.704,  
13 Florida Statutes, shall be entitled to read:

14 PART VIII

15 JUDICIAL REVIEWS

16 Section 61. Section 39.453, Florida Statutes, is  
17 renumbered as section 39.701, Florida Statutes, and amended to  
18 read:

19 39.701 ~~39.453~~ Judicial review.--

20 (1)(a) The court shall have continuing jurisdiction in  
21 accordance with this section and shall review the status of  
22 the child as required by this subsection or more frequently if  
23 the court deems it necessary or desirable.

24 (b) The court shall retain jurisdiction over a child  
25 returned to its parents, caregivers, or legal guardians for a  
26 period of 6 months, but, at that time, based on a report of  
27 the social service agency and the guardian ad litem, if one  
28 has been appointed, and any other relevant factors, the court  
29 shall make a determination as to whether its jurisdiction  
30 shall continue or be terminated.

31

1           ~~(c) After termination of parental rights, the court~~  
2 ~~shall retain jurisdiction over any child for whom custody is~~  
3 ~~given to a social service agency until the child is adopted.~~  
4 ~~The jurisdiction of the court after termination of parental~~  
5 ~~rights and custody is given to the agency is for the purpose~~  
6 ~~of reviewing the status of the child and the progress being~~  
7 ~~made toward permanent adoptive placement. As part of this~~  
8 ~~continuing jurisdiction, for good cause shown by the guardian~~  
9 ~~ad litem for the child, the court may review the~~  
10 ~~appropriateness of the adoptive placement of the child.~~

11           (2)(a) The court shall review the status of the child  
12 and shall hold a hearing as provided in this part subsection  
13 ~~(7)~~. The court may dispense with the attendance of the child  
14 at the hearing, but may not dispense with the hearing or the  
15 presence of other parties to the review unless before the  
16 review a hearing is held before a citizen review panel.

17           (b) Citizen review panels may ~~be established under s.~~  
18 ~~39.4531 to~~ conduct hearings to a review of the status of a  
19 child. The court shall select the cases appropriate for  
20 referral to the citizen review panels and may order the  
21 attendance of the parties at the review panel hearings.  
22 However, any party may object to the referral of a case to a  
23 citizen review panel. Whenever such an objection has been  
24 filed with the court, the court shall review the substance of  
25 the objection and may conduct the review itself or refer the  
26 review to a citizen review panel. All parties retain the right  
27 to take exception to the findings or recommended orders of a  
28 citizen review panel in accordance with Rule 1.490(h), Florida  
29 Rules of Civil Procedure.

30           (c) Notice of a hearing by a citizen review panel must  
31 be provided as set forth in subsection (5). At the conclusion

1 of a citizen review panel hearing, each party may propose a  
2 recommended order to the chairperson of the panel. Thereafter,  
3 the citizen review panel shall submit its report, copies of  
4 the proposed recommended orders, and a copy of the panel's  
5 recommended order to the court. The citizen review panel's  
6 recommended order must be limited to the dispositional options  
7 available to the court in subsection (8). Each party may file  
8 exceptions to the report and recommended order of the citizen  
9 review panel in accordance with Rule 1.490, Florida Rules of  
10 Civil Procedure.

11 (3)(a) The initial judicial review must be held no  
12 later than 90 days after the date of the disposition hearing  
13 or after the date of the hearing at which the court approves  
14 the case plan, but in no event shall the review be held later  
15 than 6 months after the date the child was removed from the  
16 home. Citizen review panels shall not conduct more than two  
17 consecutive reviews without the child and the parties coming  
18 before the court for a judicial review.~~if the child remains~~  
19 ~~in shelter or foster care, subsequent judicial reviews must be~~  
20 ~~held at least every 6 months after the date of the most recent~~  
21 ~~judicial review until the child is 13 years old and has been~~  
22 ~~in foster care at least 18 months.~~

23 (b) If the court extends any the case plan beyond 12  
24 18 months, judicial reviews must be held at least every 6  
25 months ~~for children under the age of 13 and at least annually~~  
26 ~~for children age 13 and older.~~

27 (c) If the child is placed in the custody of the  
28 department or a licensed child-placing agency for the purpose  
29 of adoptive placement, judicial reviews must be held at least  
30 every 6 months until adoptive placement, to determine the  
31

1 appropriateness of the current placement and the progress made  
2 toward adoptive placement.

3 (d) If the department and the court have established a  
4 formal agreement that includes specific authorization for  
5 particular cases, the department may conduct administrative  
6 reviews instead of the judicial reviews for children in  
7 out-of-home foster care. Notices of such administrative  
8 reviews must be provided to all parties. However, an  
9 administrative review may not be substituted for the first  
10 judicial review, and in every case the court must conduct a  
11 judicial review at least every 6 ~~12~~ months. Any party  
12 dissatisfied with the results of an administrative review may  
13 petition for a judicial review.

14 (e) The clerk of the circuit court shall schedule  
15 judicial review hearings in order to comply with the mandated  
16 times cited in this section ~~paragraphs (a)-(d)~~.

17 (f) In each case in which a child has been voluntarily  
18 placed with the licensed child-placing agency, the agency  
19 shall notify the clerk of the court in the circuit where the  
20 child resides of such placement within 5 working days.  
21 Notification of the court is not required for any child who  
22 will be in out-of-home foster care no longer than 30 days  
23 unless that child is placed in out-of-home foster care a  
24 second time within a 12-month period. If the child is returned  
25 to the custody of the parents, caregiver, or legal custodian  
26 ~~or guardian~~ before the scheduled review hearing or if the  
27 child is placed for adoption, the child-placing agency shall  
28 notify the court of the child's return or placement within 5  
29 working days, and the clerk of the court shall cancel the  
30 review hearing.

31

1           (4) The court shall schedule the date, time, and  
2 location of the next judicial review in the judicial review  
3 order.~~The social service agency shall file a petition for~~  
4 ~~review with the court within 10 calendar days after the~~  
5 ~~judicial review hearing. The petition must include a statement~~  
6 ~~of the dispositional alternatives available to the court. The~~  
7 ~~petition must accompany the notice of the hearing served upon~~  
8 ~~persons specified in subsection (5).~~

9           (5) Notice of a judicial review hearing or a citizen  
10 review panel ~~the hearing,~~ and a copy of the motion for  
11 judicial review ~~petition~~, including a statement of the  
12 dispositional alternatives available to the court, must be  
13 served by the court upon:

14           (a) The social service agency charged with the  
15 supervision of care, custody, or guardianship of the child, if  
16 that agency is not the movant ~~petitioner~~.

17           (b) The foster parent or parents or caregivers  
18 ~~caretakers~~ in whose home the child resides.

19           (c) The parent, caregiver, or legal custodian  
20 ~~guardian, or relative~~ from whom the care and custody of the  
21 child have been transferred.

22           (d) The guardian ad litem for the child, or the  
23 representative of the guardian ad litem program if the program  
24 ~~one~~ has been appointed.

25           (e) Any preadoptive parent.

26           (f)~~(e)~~ Such other persons as the court may in its  
27 discretion direct.

28           (6)(a) Prior to every judicial review hearing or  
29 citizen review panel hearing, the social service agency shall  
30 make an investigation and social study concerning all  
31 pertinent details relating to the child and shall furnish to

1 the court or citizen review panel a written report that  
2 includes, but is not limited to:

3 1. A description of the type of placement the child is  
4 in at the time of the hearing, including the safety of the  
5 child and the continuing necessity for and appropriateness of  
6 the placement.

7 2. Documentation of the diligent efforts made by all  
8 parties to the case plan to comply with each applicable  
9 provision of the plan.

10 3. The amount of fees assessed and collected during  
11 the period of time being reported.

12 4. The services provided to the foster family or  
13 caregivers ~~caretakers~~ in an effort to address the needs of the  
14 child as indicated in the case plan.

15 5. A statement that ~~concerning whether~~ the parent or  
16 legal custodian ~~guardian~~, though able to do so, did not comply  
17 substantially with the provisions of the case plan and the  
18 agency recommendations or a statement that the parent or legal  
19 custodian ~~guardian~~ did substantially comply with such  
20 provisions.

21 6. A statement from the foster parent or parents or  
22 caregivers ~~caretakers~~ providing any material evidence  
23 concerning the return of the child to the parent or parents or  
24 legal custodians.

25 7. A statement concerning the frequency, duration, and  
26 results of the parent-child visitation, if any, and the agency  
27 recommendations for an expansion or restriction of future  
28 visitation.

29 8. The number of times a child has been removed from  
30 his or her home and placed elsewhere, the number and types of  
31



1 placements that have occurred, and the reason for the changes  
 2 in placement.

3 9. The number of times a child's educational placement  
 4 has been changed, the number and types of educational  
 5 placements which have occurred, and the reason for any change  
 6 in placement.

7 (b) A copy of the social service agency's written  
 8 report must be provided to the attorney of record of the  
 9 parent, parents, or legal custodians ~~guardian~~; to the parent,  
 10 parents, or legal custodians ~~guardian~~; to the foster parents  
 11 or caregivers ~~caretakers~~; to each citizen review panel  
 12 ~~established under s. 39.4531~~; and to the guardian ad litem for  
 13 the child, or the representative of the guardian ad litem  
 14 program if the program ~~one~~ has been appointed by the court, at  
 15 least 48 hours before the judicial review hearing, or citizen  
 16 review panel hearing ~~if such a panel has been established~~  
 17 ~~under s. 39.4531~~. The requirement for providing parents or  
 18 legal custodians ~~guardians~~ with a copy of the written report  
 19 does not apply to those parents or legal custodians ~~guardians~~  
 20 who have voluntarily surrendered their child for adoption.

21 (c) In a case in which the child has been permanently  
 22 placed with the social service agency, the agency shall  
 23 furnish to the court a written report concerning the progress  
 24 being made to place the child for adoption. If, ~~as stated in~~  
 25 ~~s. 39.451(1)~~, the child cannot be placed for adoption, a  
 26 report on the progress made by the child in alternative  
 27 permanency goals or placements, including, but not limited to,  
 28 long-term foster care, independent living, custody to a  
 29 relative or caregiver ~~adult nonrelative~~ approved by the court  
 30 on a permanent basis with or without legal guardianship, or  
 31 custody to a foster parent or caregiver on a permanent basis

1 with or without legal guardianship, must be submitted to the  
2 court. The report must be submitted to the court at least 48  
3 hours before each scheduled judicial review.

4 (d) In addition to or in lieu of any written statement  
5 provided to the court, the foster parent or caregivers, or any  
6 preadoptive parent, ~~caretakers~~ shall be given the opportunity  
7 to address the court with any information relevant to the best  
8 interests of the child at any judicial review hearing.

9 (7) The court, ~~and~~ any citizen review panel  
10 ~~established under s. 39.4531~~, shall take into consideration  
11 the information contained in the social services study and  
12 investigation and all medical, psychological, and educational  
13 records that support the terms of the case plan; testimony by  
14 the social services agency, the parent or legal custodian  
15 guardian, the foster parent or caregivers ~~caretakers~~, the  
16 guardian ad litem if one has been appointed for the child, and  
17 any other person deemed appropriate; and any relevant and  
18 material evidence submitted to the court, including written  
19 and oral reports to the extent of their probative value. In  
20 its deliberations, the court, ~~and~~ any citizen review panel  
21 ~~established under s. 39.4531~~, shall seek to determine:

22 (a) If the parent or legal custodian ~~guardian~~ was  
23 advised of the right to receive assistance from any person or  
24 social service agency in the preparation of the case plan.

25 (b) If the parent or legal custodian ~~guardian~~ has been  
26 advised of the right to have counsel present at the judicial  
27 review or citizen review hearings. If not so advised, the  
28 court or citizen review panel shall advise the parent or legal  
29 custodian ~~guardian~~ of such right.

30 (c) If a guardian ad litem needs to be appointed for  
31 the child in a case in which a guardian ad litem has not

1 previously been appointed or if there is a need to continue a  
2 guardian ad litem in a case in which a guardian ad litem has  
3 been appointed.

4 (d) The compliance or lack of compliance of all  
5 parties with applicable items of the case plan, including the  
6 parents' compliance with child support orders.

7 (e) The compliance or lack of compliance with a  
8 visitation contract between the parent, caregiver, or legal  
9 custodian ~~or guardian~~ and the social service agency for  
10 contact with the child, including the frequency, duration, and  
11 results of the parent-child visitation and the reason for any  
12 noncompliance.

13 (f) The compliance or lack of compliance of the  
14 parent, caregiver, or legal custodian ~~or guardian~~ in meeting  
15 specified financial obligations pertaining to the care of the  
16 child, including the reason for failure to comply if such is  
17 the case.

18 (g) The appropriateness of the child's current  
19 placement, including whether the child is in a setting which  
20 is as family-like and as close to the parent's home as  
21 possible, consistent with the child's best interests and  
22 special needs, and including maintaining stability in the  
23 child's educational placement.

24 (h) A projected date likely for the child's return  
25 home or other permanent placement.

26 (i) When appropriate, the basis for the unwillingness  
27 or inability of the parent, caregiver, or legal custodian ~~or~~  
28 ~~guardian~~ to become a party to a case plan. The court and the  
29 citizen review panel shall determine if ~~the nature of the~~  
30 ~~location or the condition of the parent and the efforts of the~~  
31

1 social service agency to secure party ~~parental~~ participation  
 2 in a case plan were sufficient.

3 (8)(a) Based upon the criteria set forth in subsection  
 4 (7) and the recommended order of the citizen review panel, if  
 5 any ~~established under s. 39.4531~~, the court shall determine  
 6 whether or not the social service agency shall initiate  
 7 proceedings to have a child declared a dependent child, return  
 8 the child to the parent, legal custodian, or caregiver,  
 9 continue the child in out-of-home ~~foster~~ care for a specified  
 10 period of time, or initiate termination of parental rights  
 11 proceedings for subsequent placement in an adoptive home.  
 12 Modifications to the plan must be handled as prescribed in s.  
 13 39.601 ~~39.451~~. If the court finds that the prevention or  
 14 reunification efforts of the department will allow the child  
 15 to remain safely at home or be safely returned to the home,  
 16 the court shall allow the child to remain in or return to the  
 17 home after making a specific finding of fact that the reasons  
 18 for removal have been remedied to the extent that the child's  
 19 safety, and well-being, and physical, mental, and emotional  
 20 health will not be endangered.

21 (b) The court shall return the child to the custody of  
 22 the parents, legal custodians, or caregivers at any time it  
 23 determines that they have substantially complied with the  
 24 plan, if the court is satisfied that reunification will not be  
 25 detrimental to the child's safety, and well-being, and  
 26 physical, mental, and emotional health.

27 (c) If, in the opinion of the court, the social  
 28 service agency has not complied with its obligations as  
 29 specified in the written case plan, the court may find the  
 30 social service agency in contempt, shall order the social  
 31 service agency to submit its plans for compliance with the

1 agreement, and shall require the social service agency to show  
2 why the child could ~~should~~ not safely be returned ~~immediately~~  
3 to the home of the parents, legal custodians, or caregivers ~~or~~  
4 ~~legal guardian~~.

5 (d) The court may extend the time limitation of the  
6 case plan, or may modify the terms of the plan, based upon  
7 information provided by the social service agency, and the  
8 guardian ad litem, if one has been appointed, the natural  
9 parent or parents, and the foster parents, and any other  
10 competent information on record demonstrating the need for the  
11 amendment. If the court extends the time limitation of the  
12 case plan, the court must make specific findings concerning  
13 the frequency of past parent-child visitation, if any, and the  
14 court may authorize the expansion or restriction of future  
15 visitation. Modifications to the plan must be handled as  
16 prescribed in s. 39.601 ~~39.451~~. Any extension of a case plan  
17 must comply with the time requirements and other requirements  
18 specified by this chapter ~~part~~.

19 (e) If, at any judicial review, the court finds that  
20 the parents have failed to substantially comply with the case  
21 plan to the degree that further reunification efforts are  
22 without merit and not in the best interest of the child, it  
23 may authorize the filing of a petition for termination of  
24 parental rights, whether or not the time period as contained  
25 in the case plan for substantial compliance has elapsed.

26 (f) No later than 12 months after the date that the  
27 child was placed in shelter care, the court shall conduct a  
28 judicial review. At this hearing, if the child is not returned  
29 to the physical custody of the parents, caregivers, or legal  
30 custodians, the case plan may be extended with the same goals  
31 only if the court finds that the situation of the child is so

1 extraordinary that the plan should be extended. The case plan  
2 must document steps the department is taking to find an  
3 adoptive parent or other permanent living arrangement for the  
4 child.~~If, at the time of the 18-month judicial review or~~  
5 ~~citizen review, the child is not returned to the physical~~  
6 ~~custody of the natural parents, the case plan may be extended~~  
7 ~~only if, at the time of the judicial review or citizen review,~~  
8 ~~the court finds that the situation of the child is so~~  
9 ~~extraordinary that the plan should be extended. The extension~~  
10 ~~must be in accordance with subsection (3).~~

11 (g) The court may issue a protective order in  
12 assistance, or as a condition, of any other order made under  
13 this part. In addition to the requirements included in the  
14 case plan, the protective order may set forth requirements  
15 relating to reasonable conditions of behavior to be observed  
16 for a specified period of time by a person or agency who is  
17 before the court; and such order may require any such person  
18 or agency to make periodic reports to the court containing  
19 such information as the court in its discretion may prescribe.

20 Section 62. Section 39.4531, Florida Statutes, is  
21 renumbered as section 39.702, Florida Statutes, and amended to  
22 read:

23 39.702 ~~39.4531~~ Citizen review panels.--

24 (1) Citizen review panels may be established in each  
25 judicial circuit and shall be authorized by an administrative  
26 order executed by the chief judge of each circuit. The court  
27 shall administer an oath of office to each citizen review  
28 panel member which shall authorize the panel member to  
29 participate in citizen review panels and make recommendations  
30 to the court pursuant to the provisions of this section.

31

1           (2) Citizen review panels shall be administered by an  
2 independent not-for-profit agency. For the purpose of this  
3 section, an organization that has filed for nonprofit status  
4 under the provisions of s. 501(c)(3) of the United States  
5 Internal Revenue Code is an independent not-for-profit agency  
6 for a period of 1 year after the date of filing. At the end  
7 of that 1-year period, in order to continue conducting citizen  
8 reviews, the organization must have qualified for nonprofit  
9 status under s. 501(c)(3) of the United States Internal  
10 Revenue Code and must submit to the chief judge of the circuit  
11 court a consumer's certificate of exemption that was issued to  
12 the organization by the Florida Department of Revenue and a  
13 report of the organization's progress. If the agency has not  
14 qualified for nonprofit status, the court must rescind its  
15 administrative order that authorizes the agency to conduct  
16 citizen reviews. All independent not-for-profit agencies  
17 conducting citizen reviews must submit citizen review annual  
18 reports to the court.

19           (3) For the purpose of this section, a citizen review  
20 panel shall be composed of five volunteer members and shall  
21 conform with the requirements of this chapter ~~section~~. The  
22 presence of three members at a panel hearing shall constitute  
23 a quorum. Panel members shall serve without compensation.

24           (4)~~(3)~~ Based on the information provided to each  
25 citizen review panel pursuant to s. 39.701 ~~39.453~~, each  
26 citizen review panel shall provide the court with a report and  
27 recommendations regarding the placement and dispositional  
28 alternatives the court shall consider before issuing a  
29 judicial review order.

30           (5)~~(4)~~ The ~~An~~ independent not-for-profit agency  
31 authorized to administer each citizen review panel shall:

1 (a) In collaboration with the department, develop  
2 policies to assure that citizen review panels comply with all  
3 applicable state and federal laws.

4 (b) Establish policies for the recruitment, selection,  
5 retention, and terms of volunteer panel members. Final  
6 selection of citizen review panel members shall, to the extent  
7 possible, reflect the multicultural composition of the  
8 community which they serve. A criminal background check and  
9 personal reference check shall be conducted on each citizen  
10 review panel member prior to the member serving on a citizen  
11 review panel.

12 (c) In collaboration with the department, develop,  
13 implement, and maintain a training program for citizen review  
14 volunteers and provide training for each panel member prior to  
15 that member serving on a review panel. Such training may  
16 include, but shall not be limited to, instruction on  
17 dependency laws, departmental policies, and judicial  
18 procedures.

19 (d) Ensure that all citizen review panel members have  
20 read, understood, and signed an oath of confidentiality  
21 relating to ~~the citizen review hearings and~~ written or verbal  
22 information provided to the panel members for review hearings.

23 (e) Establish policies to avoid actual or perceived  
24 conflicts of interest by panel members during the review  
25 process and to ensure accurate, fair reviews of each child  
26 dependency case.

27 (f) Establish policies to ensure ongoing communication  
28 with the department and the court.

29 (g) Establish policies to ensure adequate  
30 communication with the parent, caregiver, or legal custodian

31



1 ~~or guardian~~, the foster parent or caregiver, the guardian ad  
2 litem, and any other person deemed appropriate.

3 (h) Establish procedures that encourage attendance and  
4 participation of interested persons and parties, including the  
5 biological parents, foster parents or caregivers, or a  
6 relative or nonrelative with whom the child is placed, at  
7 citizen review hearings.

8 (i) Coordinate with existing citizen review panels to  
9 ensure consistency of operating procedures, data collection,  
10 ~~and~~ analysis, and report generation.

11 (j) Make recommendations as necessary to the court  
12 concerning attendance of essential persons at the review and  
13 other issues pertinent to an effective review process.

14 (k) Ensure consistent methods of identifying barriers  
15 to the permanent placement of the child and delineation of  
16 findings and recommendations to the court.

17 ~~(6)(5)~~ The department and agents of the department  
18 shall submit information to the citizen review panel when  
19 requested and shall address questions asked by the citizen  
20 review panel to identify barriers to the permanent placement  
21 of each child.

22 Section 63. Section 39.454, Florida Statutes, is  
23 renumbered as section 39.703, Florida Statutes, and amended to  
24 read:

25 39.703 ~~39.454~~ Initiation of termination of parental  
26 rights proceedings.--

27 (1) If, in preparation for any judicial review hearing  
28 under this chapter part, it is the opinion of the social  
29 service agency that the parents ~~or legal guardian~~ of the child  
30 have not complied with their responsibilities as specified in  
31 the written case plan although able to do so, the social

1 service agency shall state its intent to initiate proceedings  
 2 to terminate parental rights, unless the social service agency  
 3 can demonstrate to the court that such a recommendation would  
 4 not be in the child's best interests. If it is the intent of  
 5 the department or licensed child-placing agency to initiate  
 6 proceedings to terminate parental rights, the department or  
 7 licensed child-placing agency shall file a petition for  
 8 termination of parental rights no later than 3 months after  
 9 the date of the previous judicial review hearing. If the  
 10 petition cannot be filed within 3 months, the department or  
 11 licensed child-placing agency shall provide a written report  
 12 to the court outlining the reasons for delay, the progress  
 13 made in the termination of parental rights process, and the  
 14 anticipated date of completion of the process.

15 (2) If, at the time of the 12-month ~~18-month~~ judicial  
 16 review hearing, a child is not returned to the physical  
 17 custody of the ~~natural~~ parents, caregivers, or legal  
 18 custodians, the social service agency shall initiate  
 19 termination of parental rights proceedings under ~~part VI of~~  
 20 this chapter within 30 days. Only if the court finds that the  
 21 situation of the child is so extraordinary and that the best  
 22 interests of the child will be met by such action at the time  
 23 of the judicial review may the case plan be extended. If the  
 24 court decides to extend the plan, the court shall enter  
 25 detailed findings justifying the decision to extend, as well  
 26 as the length of the extension. A termination of parental  
 27 rights petition need not be filed if: the child is being  
 28 cared for by a relative who chooses not to adopt the child;  
 29 the court determines that filing such a petition would not be  
 30 in the best interests of the child; or the state has not  
 31 provided the child's family, when reasonable efforts to return

1 a child are required, consistent with the time period in the  
2 state's case plan, such services as the state deems necessary  
3 for the safe return of the child to his or her home. Failure  
4 to initiate termination of parental rights proceedings at the  
5 time of the 12-month ~~18-month~~ judicial review or within 30  
6 days after such review does not prohibit initiating  
7 termination of parental rights proceedings at any other time.

8 Section 64. Section 39.456, Florida Statutes, is  
9 renumbered as section 39.704, Florida Statutes, and amended to  
10 read:

11 39.704 ~~39.456~~ Exemptions from judicial  
12 review.--Judicial review ~~This part~~ does not apply to:

13 (1) Minors who have been placed in adoptive homes by  
14 the department or by a licensed child-placing agency; or

15 (2) Minors who are refugees or entrants to whom  
16 federal regulations apply and who are in the care of a social  
17 service agency. ~~or~~

18 ~~(3) Minors who are the subjects of termination of~~  
19 ~~parental rights cases pursuant to s. 39.464.~~

20 Section 65. Part IX of chapter 39, Florida Statutes,  
21 consisting of sections 39.801, 39.802, 39.803, 39.804, 39.805,  
22 39.806, 39.807, 39.808, 39.809, 39.810, 39.811, 39.812,  
23 39.813, 39.814, 39.815, 39.816, and 39.817, Florida Statutes,  
24 shall be entitled to read:

25 PART IX

26 TERMINATION OF PARENTAL RIGHTS

27 Section 66. Sections 39.46 and 39.462, Florida  
28 Statutes, are renumbered as section 39.801, Florida Statutes,  
29 and amended to read:

30 39.801 ~~39.46~~ Procedures and jurisdiction; notice;  
31 service of process.--

1 (1) All procedures, including petitions, pleadings,  
2 subpoenas, summonses, and hearings, in termination of parental  
3 rights proceedings shall be according to the Florida Rules of  
4 Juvenile Procedure unless otherwise provided by law.

5 (2) The circuit court shall have exclusive original  
6 jurisdiction of a proceeding involving termination of parental  
7 rights.

8 ~~39.462 Process and services.~~

9 (3)~~(1)~~ Before the court may terminate parental rights,  
10 in addition to the other requirements set forth in this part,  
11 the following requirements must be met:

12 (a) Notice of the date, time, and place of the  
13 advisory hearing for the petition to terminate parental rights  
14 and a copy of the petition must be personally served upon the  
15 following persons, specifically notifying them that a petition  
16 has been filed:

17 1. The parents of the child.

18 2. The caregivers or legal custodians ~~or guardian~~ of  
19 the child.

20 3. If the parents who would be entitled to notice are  
21 dead or unknown, a living relative of the child, unless upon  
22 diligent search and inquiry no such relative can be found.

23 4. Any person who has physical custody of the child.

24 5. Any grandparent entitled to priority for adoption  
25 under s. 63.0425.

26 6. Any prospective parent who has been identified  
27 under s. 39.503 or s. 39.803 ~~s. 39.4051 or s. 39.4625~~.

28 7. The guardian ad litem for the child or the  
29 representative of the guardian ad litem program, if the  
30 program ~~one~~ has been appointed.

31

1 The document containing the notice to respond or appear must  
2 contain, in type at least as large as the type in the balance  
3 of the document, the following or substantially similar  
4 language: "FAILURE TO PERSONALLY ~~RESPOND TO THIS NOTICE OR TO~~  
5 ~~APPEAR AT THIS~~ ADVISORY HEARING CONSTITUTES CONSENT TO THE  
6 TERMINATION OF PARENTAL RIGHTS OF THIS CHILD (OR ~~THESE~~  
7 CHILDREN)."

8 (b) If a person required to be served with notice as  
9 prescribed in paragraph (a) cannot be served, notice of  
10 hearings must be given as prescribed by the rules of civil  
11 procedure, and service of process must be made as specified by  
12 law or civil actions.

13 (c) Notice as prescribed by this section may be  
14 waived, in the discretion of the judge, with regard to any  
15 person to whom notice must be given under this subsection if  
16 the person executes, before two witnesses and a notary public  
17 or other officer authorized to take acknowledgments, a written  
18 surrender of the child to a licensed child-placing agency or  
19 the department.

20 (d) If the person served with notice under this  
21 section fails to ~~respond or~~ appear at the advisory hearing,  
22 the failure to ~~respond or~~ appear shall constitute consent for  
23 termination of parental rights by the person given notice.

24 ~~(4)(2)~~ Upon the application of any party, the clerk or  
25 deputy clerk shall issue, and the court on its own motion may  
26 issue, subpoenas requiring the attendance and testimony of  
27 witnesses and the production of records, documents, or other  
28 tangible objects at any hearing.

29 ~~(5)(3)~~ All process and orders issued by the court must  
30 be served or executed as other process and orders of the  
31

1 circuit court and, in addition, may be served or executed by  
2 authorized agents of the department or the guardian ad litem.

3 (6)~~(4)~~ Subpoenas may be served within the state by any  
4 person over 18 years of age who is not a party to the  
5 proceeding.

6 (7)~~(5)~~ A fee may not be paid for service of any  
7 process or other papers by an agent of the department or the  
8 guardian ad litem. If any process, orders, or other papers are  
9 served or executed by any sheriff, the sheriff's fees must be  
10 paid by the county.

11 Section 67. Sections 39.461 and 39.4611, Florida  
12 Statutes, are renumbered as section 39.802, Florida Statutes,  
13 and amended to read:

14 39.802 ~~39.461~~ Petition for termination of parental  
15 rights; filing; elements.--

16 (1) All proceedings seeking an adjudication to  
17 terminate parental rights pursuant to this chapter must be  
18 initiated by the filing of an original petition by the  
19 department, the guardian ad litem, or a licensed child-placing  
20 agency or by any other person who has knowledge of the facts  
21 alleged or is informed of them and believes that they are  
22 true.

23 (2) The form of the petition is governed by the  
24 Florida Rules of Juvenile Procedure. The petition must be in  
25 writing and signed by the petitioner under oath stating the  
26 petitioner's good faith in filing the petition.

27 (3) When a petition for termination of parental rights  
28 has been filed, the clerk of the court shall set the case  
29 before the court for an advisory hearing.

30 ~~39.4611 Elements of petition for termination of~~  
31 ~~parental rights.--~~

1           ~~(4)(1)~~ A petition for termination of parental rights  
2 filed under this chapter must contain facts supporting the  
3 following allegations:

4           (a) That at least one of the grounds listed in s.  
5 39.806 ~~39.464~~ has been met.

6           (b) That the parents of the child were informed of  
7 their right to counsel at all hearings that they attend and  
8 that a dispositional order adjudicating the child dependent  
9 was entered in any prior dependency proceeding relied upon in  
10 offering a parent a case plan as described in s. 39.806  
11 ~~39.464~~.

12           (c) That the manifest best interests of the child, in  
13 accordance with s. 39.810 ~~39.4612~~, would be served by the  
14 granting of the petition.

15           ~~(5)(2)~~ When a petition for termination of parental  
16 rights is filed under s. 39.806(1)~~39.464(1)~~, a separate  
17 petition for dependency need not be filed and the department  
18 need not offer the parents a case plan with a goal of  
19 reunification, but may instead file with the court a case plan  
20 with a goal of termination of parental rights to allow  
21 continuation of services until the termination is granted or  
22 until further orders of the court are issued.

23           ~~(6)(3)~~ The fact that a child has been previously  
24 adjudicated dependent as alleged in a petition for termination  
25 of parental rights may be proved by the introduction of a  
26 certified copy of the order of adjudication or the order of  
27 disposition of dependency.

28           ~~(7)(4)~~ The fact that the parent of a child was  
29 informed of the right to counsel in any prior dependency  
30 proceeding as alleged in a petition for termination of  
31 parental rights may be proved by the introduction of a

1 certified copy of the order of adjudication or the order of  
2 disposition of dependency containing a finding of fact that  
3 the parent was so advised.

4 ~~(8)(5)~~ Whenever the department has entered into a case  
5 plan with a parent with the goal of reunification, and a  
6 petition for termination of parental rights based on the same  
7 facts as are covered in the case plan is filed prior to the  
8 time agreed upon in the case plan for the performance of the  
9 case plan, the petitioner must allege and prove by clear and  
10 convincing evidence that the parent has materially breached  
11 the provisions of the case plan.

12 Section 68. Section 39.803, Florida Statutes, is  
13 created to read:

14 39.803 Identity or location of parent unknown after  
15 filing of termination of parental rights petition; special  
16 procedures.--

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

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

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

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

31



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

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

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

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

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

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

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

1 utility and postal providers, and inquiries of appropriate law  
2 enforcement agencies.

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

7 (8) If the inquiry and diligent search identifies a  
8 prospective parent, that person must be given the opportunity  
9 to become a party to the proceedings by completing a sworn  
10 affidavit of parenthood and filing it with the court or the  
11 department. A prospective parent who files a sworn affidavit  
12 of parenthood while the child is a dependent child but no  
13 later than at the time of or prior to the adjudicatory hearing  
14 in the termination of parental rights proceeding for the child  
15 shall be considered a parent for all purposes under this  
16 section.

17 Section 69. Section 39.4627, Florida Statutes, is  
18 renumbered as section 39.804, Florida Statutes.

19 Section 70. Section 39.463, Florida Statutes, is  
20 renumbered as section 39.805, Florida Statutes, and amended to  
21 read:

22 39.805 ~~39.463~~ No answer required.--No answer to the  
23 petition or any other pleading need be filed by any child,  
24 parent, caregiver, or legal custodian, but any matters which  
25 might be set forth in an answer or other pleading may be  
26 pleaded orally before the court or filed in writing as any  
27 such person may choose. Notwithstanding the filing of any  
28 answer or any pleading, the child or parent shall, prior to  
29 the adjudicatory hearing, be advised by the court of the right  
30 to counsel and shall be given an opportunity to deny the  
31 allegations in the petition for termination of parental rights

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

3 Section 71. Section 39.464, Florida Statutes, as  
4 amended by chapter 97-276, Laws of Florida, is renumbered as  
5 section 39.806, Florida Statutes, and amended to read:

6 39.806 ~~39.464~~ Grounds for termination of parental  
7 rights.--

8 (1) The department, the guardian ad litem, a licensed  
9 child-placing agency, or any person who has knowledge of the  
10 facts alleged or who is informed of said facts and believes  
11 that they are true, may petition for the termination of  
12 parental rights under any of the following circumstances:

13 (a) When the parent or parents voluntarily executed a  
14 written surrender of the child and consented to the entry of  
15 an order giving custody of the child to the department or to a  
16 licensed child-placing agency for subsequent adoption and the  
17 department or licensed child-placing agency is willing to  
18 accept custody of the child.

19 1. The surrender document must be executed before two  
20 witnesses and a notary public or other person authorized to  
21 take acknowledgments.

22 2. The surrender and consent may be withdrawn after  
23 acceptance by the department or licensed child-placing agency  
24 only after a finding by the court that the surrender and  
25 consent were obtained by fraud or duress.

26 (b) When the identity or location of the parent or  
27 parents is unknown and, ~~if the court requires a diligent~~  
28 ~~search pursuant to s. 39.4625,~~ cannot be ascertained by  
29 diligent search ~~as provided in s. 39.4625~~ within 90 days.

30 (c) When the parent or parents engaged in conduct  
31 toward the child or toward other children that demonstrates

1 that the continuing involvement of the parent or parents in  
2 the parent-child relationship threatens the life, safety ~~or~~  
3 well-being, or physical, mental, or emotional health of the  
4 child irrespective of the provision of services. Provision of  
5 services may be ~~is~~ evidenced by proof that services were  
6 provided through a previous plan or offered as a case plan  
7 from a child welfare agency.

8 (d) When the parent of a child is incarcerated in a  
9 state or federal correctional institution and:

10 1. The period of time for which the parent is expected  
11 to be incarcerated will constitute a substantial portion of  
12 the period of time before the child will attain the age of 18  
13 years;

14 2. The incarcerated parent has been determined by the  
15 court to be a violent career criminal as defined in s.  
16 775.084, a habitual violent felony offender as defined in s.  
17 775.084, or a sexual predator as defined in s. 775.21; has  
18 been convicted of first degree or second degree murder in  
19 violation of s. 782.04 or a sexual battery that constitutes a  
20 capital, life, or first degree felony violation of s. 794.011;  
21 or has been convicted of an offense in another jurisdiction  
22 which is substantially similar to one of the offenses listed  
23 in this paragraph. As used in this section, the term  
24 "substantially similar offense" means any offense that is  
25 substantially similar in elements and penalties to one of  
26 those listed in this paragraph, and that is in violation of a  
27 law of any other jurisdiction, whether that of another state,  
28 the District of Columbia, the United States or any possession  
29 or territory thereof, or any foreign jurisdiction; and

30 3. The court determines by clear and convincing  
31 evidence that continuing the parental relationship with the

1 incarcerated parent would be harmful to the child and, for  
2 this reason, that termination of the parental rights of the  
3 incarcerated parent is in the best interest of the child.

4 ~~(e)~~(f) A petition for termination of parental rights  
5 may also be filed when a child has been adjudicated dependent,  
6 a case plan has been filed with the court, and the child  
7 continues to be abused, neglected, or abandoned by the  
8 parents. In this case, the failure of the parents to  
9 substantially comply for a period of 12 months after an  
10 adjudication of the child as a dependent child constitutes  
11 evidence of continuing abuse, neglect, or abandonment unless  
12 the failure to substantially comply with the case plan was due  
13 either to the lack of financial resources of the parents or to  
14 the failure of the department to make reasonable efforts to  
15 reunify the family. Such 12-month period may begin to run only  
16 after the entry of a disposition order placing the custody of  
17 the child with the department or a person other than the  
18 parent and the approval by ~~subsequent filing with~~ the court of  
19 a case plan with a goal of reunification with the parent.

20 ~~(f)~~(e) When the parent or parents engaged in egregious  
21 conduct or had the opportunity and capability to prevent and  
22 knowingly failed to prevent egregious conduct that threatens  
23 the life, safety, or physical, mental, or emotional health  
24 ~~that endangers the life, health, or safety~~ of the child or the  
25 child's sibling ~~or had the opportunity and capability to~~  
26 ~~prevent egregious conduct that threatened the life, health, or~~  
27 ~~safety of the child or the child's sibling and knowingly~~  
28 ~~failed to do so.~~

29 1. As used in this subsection, the term "sibling"  
30 means another child who resides with or is cared for by the  
31

1 parent or parents regardless of whether the child is related  
2 legally or by consanguinity.

3 2. As used in this subsection, the term "egregious  
4 conduct abuse" means abuse, abandonment, neglect, or any other  
5 conduct of the parent or parents that is deplorable, flagrant,  
6 or outrageous by a normal standard of conduct. Egregious  
7 conduct abuse may include an act or omission that occurred  
8 only once but was of such intensity, magnitude, or severity as  
9 to endanger the life of the child.

10 (g) When the parent or parents have subjected the  
11 child to aggravated child abuse as defined in s. 827.03,  
12 sexual battery or sexual abuse as defined in s. 39.01, or  
13 chronic abuse.

14 (h) When the parent or parents have committed murder  
15 or voluntary manslaughter of another child of the parent, or a  
16 felony assault that results in serious bodily injury to the  
17 child or another child of the parent, or aided or abetted,  
18 attempted, conspired, or solicited to commit such a murder or  
19 voluntary manslaughter or felony assault.

20 (i) When the parental rights of the parent to a  
21 sibling have been terminated involuntarily.

22 (2) Reasonable efforts to preserve and reunify  
23 families shall not be required if a court of competent  
24 jurisdiction has determined that any of the events described  
25 in paragraphs (1)(e)-(i) have occurred.

26 ~~(3)~~(2) When a petition for termination of parental  
27 rights is filed under subsection (1), a separate petition for  
28 dependency need not be filed and the department need not offer  
29 the parents a case plan with a goal of reunification, but may  
30 instead file with the court a case plan with a goal of  
31 termination of parental rights to allow continuation of

1 services until the termination is granted or until further  
2 orders of the court are issued.

3 (4) When an expedited termination of parental rights  
4 petition is filed, reasonable efforts shall be made to place  
5 the child in a timely manner in accordance with the permanency  
6 plan, and to complete whatever steps are necessary to finalize  
7 the permanent placement of the child.

8 Section 72. Section 39.465, Florida Statutes, is  
9 renumbered as section 39.807, Florida Statutes, and amended to  
10 read:

11 39.807 ~~39.465~~ Right to counsel; guardian ad litem.--

12 (1)(a) At each stage of the proceeding under this  
13 part, the court shall advise the parent, ~~guardian, or~~  
14 ~~custodian~~ of the right to have counsel present. The court  
15 shall appoint counsel for indigent ~~insolvent~~ persons. The  
16 court shall ascertain whether the right to counsel is  
17 understood and, where appropriate, is knowingly and  
18 intelligently waived. The court shall enter its findings in  
19 writing with respect to the appointment or waiver of counsel  
20 for indigent ~~insolvent~~ parties.

21 (b) Once counsel has been retained or, in appropriate  
22 circumstances, appointed to represent the parent of the child,  
23 the attorney shall continue to represent the parent throughout  
24 the proceedings or until the court has approved discontinuing  
25 the attorney-client relationship. If the attorney-client  
26 relationship is discontinued, the court shall advise the  
27 parent of the right to have new counsel retained or appointed  
28 for the remainder of the proceedings.

29 (c)(b)1. No waiver of counsel may be accepted if it  
30 appears that the parent, ~~guardian, or custodian~~ is unable to  
31 make an intelligent and understanding choice because of mental

1 condition, age, education, experience, the nature or  
2 complexity of the case, or other factors.

3 2. A waiver of counsel made in court must be of  
4 record. A waiver made out of court must be in writing with not  
5 less than two attesting witnesses and must be filed with the  
6 court. The witnesses shall attest to the voluntary execution  
7 of the waiver.

8 3. If a waiver of counsel is accepted at any stage of  
9 the proceedings, the offer of assistance of counsel must be  
10 renewed by the court at each subsequent stage of the  
11 proceedings at which the parent, ~~guardian, or custodian~~  
12 appears without counsel.

13 (d)~~(c)~~ This subsection does not apply to any parent  
14 who has voluntarily executed a written surrender of the child  
15 and consent to the entry of a court order therefor and who  
16 does not deny the allegations of the petition.

17 (2)(a) The court shall appoint a guardian ad litem to  
18 represent the child in any termination of parental rights  
19 proceedings and shall ascertain at each stage of the  
20 proceedings whether a guardian ad litem has been appointed.

21 (b) The guardian ad litem has the following  
22 responsibilities:

23 1. To investigate the allegations of the petition and  
24 any subsequent matters arising in the case and, unless excused  
25 by the court, to file a written report. This report must  
26 include a statement of the wishes of the child and the  
27 recommendations of the guardian ad litem and must be provided  
28 to all parties and the court at least 48 hours before the  
29 disposition hearing.

30 2. To be present at all court hearings unless excused  
31 by the court.



1           3. To represent the interests of the child until the  
2 jurisdiction of the court over the child terminates or until  
3 excused by the court.

4           ~~4. To perform such other duties and undertake such  
5 other responsibilities as the court may direct.~~

6           (c) A guardian ad litem is not required to post bond  
7 but shall file an acceptance of the office.

8           (d) A guardian ad litem is entitled to receive service  
9 of pleadings and papers as provided by the Florida Rules of  
10 Juvenile Procedure.

11           (e) This subsection does not apply to any voluntary  
12 relinquishment of parental rights proceeding.

13           Section 73. Section 39.466, Florida Statutes, is  
14 renumbered as section 39.808, Florida Statutes, and amended to  
15 read:

16           39.808 ~~39.466~~ Advisory hearing; pretrial status  
17 conference.--

18           (1) An advisory hearing on the petition to terminate  
19 parental rights must be held as soon as possible after all  
20 parties have been served with a copy of the petition and a  
21 notice of the date, time, and place of the advisory hearing  
22 for the petition.

23           (2) At the hearing the court shall inform the parties  
24 of their rights under s. 39.807 ~~39.465~~, shall appoint counsel  
25 for the parties in accordance with legal requirements, and  
26 shall appoint a guardian ad litem to represent the interests  
27 of the child if one has not already been appointed.

28           (3) The court shall set a date for an adjudicatory  
29 hearing to be held within 45 days after the advisory hearing,  
30 unless all of the necessary parties agree to some other  
31 hearing date.

1 (4) An advisory hearing may not be held if a petition  
2 is filed seeking an adjudication voluntarily to terminate  
3 parental rights. Adjudicatory hearings for petitions for  
4 voluntary termination must be held within 21 days after the  
5 filing of the petition. Notice of the use of this subsection  
6 must be filed with the court at the same time as the filing of  
7 the petition to terminate parental rights.

8 (5) Not less than 10 days before the adjudicatory  
9 hearing, the court shall conduct a prehearing status  
10 conference to determine the order in which each party may  
11 present witnesses or evidence, the order in which  
12 cross-examination and argument shall occur, and any other  
13 matters that may aid in the conduct of the adjudicatory  
14 hearing to prevent any undue delay in the conduct of the  
15 adjudicatory hearing.

16 Section 74. Section 39.467, Florida Statutes, is  
17 renumbered as section 39.809, Florida Statutes, and  
18 subsections (1) and (4) of said section are amended to read:

19 39.809 ~~39.467~~ Adjudicatory hearing.--

20 (1) In a hearing on a petition for termination of  
21 parental rights, the court shall consider the elements  
22 required for termination ~~as set forth in s. 39.4611~~. Each of  
23 these elements must be established by clear and convincing  
24 evidence before the petition is granted.

25 (4) All hearings involving termination of parental  
26 rights are confidential and closed to the public. Hearings  
27 involving more than one child may be held simultaneously when  
28 the children involved are related to each other or were  
29 involved in the same case. The child and the parents ~~or legal~~  
30 ~~custodians~~ may be examined separately and apart from each  
31 other.

1 Section 75. Section 39.4612, Florida Statutes, is  
2 renumbered as section 39.810, Florida Statutes, and subsection  
3 (3) of said section is amended to read:

4 39.810 ~~39.4612~~ Manifest best interests of the  
5 child.--In a hearing on a petition for termination of parental  
6 rights, the court shall consider the manifest best interests  
7 of the child. This consideration shall not include a  
8 comparison between the attributes of the parents and those of  
9 any persons providing a present or potential placement for the  
10 child. For the purpose of determining the manifest best  
11 interests of the child, the court shall consider and evaluate  
12 all relevant factors, including, but not limited to:

13 (3) The capacity of the parent or parents to care for  
14 the child to the extent that the child's safety, well-being,  
15 and physical, mental, and emotional health ~~and well-being~~ will  
16 not be endangered upon the child's return home.

17 Section 76. Section 39.469, Florida Statutes, is  
18 renumbered as section 39.811, Florida Statutes, and amended to  
19 read:

20 39.811 ~~39.469~~ Powers of disposition; order of  
21 disposition.--

22 (1) If the court finds that the grounds for  
23 termination of parental rights have not been established by  
24 clear and convincing evidence, the court shall:

25 (a) If grounds for dependency have been established,  
26 adjudicate or readjudicate the child dependent and:

27 1. Enter an order placing or continuing the child in  
28 out-of-home ~~foster~~ care under a case plan; or

29 2. Enter an order returning the child to the parent or  
30 parents. The court shall retain jurisdiction over a child  
31 returned to the parent or parents ~~or legal guardians~~ for a

1 period of 6 months, but, at that time, based on a report of  
2 the social service agency and any other relevant factors, the  
3 court shall make a determination as to whether its  
4 jurisdiction shall continue or be terminated.

5 (b) If grounds for dependency have not been  
6 established, dismiss the petition.

7 (2) If the child is in out-of-home  ~~foster~~ care custody  
8 of the department and the court finds that the grounds for  
9 termination of parental rights have been established by clear  
10 and convincing evidence, the court shall, by order, place the  
11 child in the custody of the department for the purpose of  
12 adoption or place the child in the custody of a licensed  
13 child-placing agency for the purpose of adoption.

14 (3) If the child is in the custody of one parent and  
15 the court finds that the grounds for termination of parental  
16 rights have been established for the remaining parent by clear  
17 and convincing evidence, the court shall enter an order  
18 terminating the rights of the parent for whom the grounds have  
19 been established and placing the child in the custody of the  
20 remaining parent, granting that parent sole parental  
21 responsibility for the child.

22 (4) If the child is neither in the custody of the  
23 department  ~~of Children and Family Services~~ nor in the custody  
24 of a parent and the court finds that the grounds for  
25 termination of parental rights have been established for  
26 either or both parents, the court shall enter an order  
27 terminating parental rights for the parent or parents for whom  
28 the grounds for termination have been established and placing  
29 the child with an appropriate custodian. If the parental  
30 rights of both parents have been terminated, or if the  
31 parental rights of only one parent have been terminated and

1 the court makes specific findings based on evidence presented  
2 that placement with the remaining parent is likely to be  
3 harmful to the child, the court may order that the child be  
4 placed with a custodian other than the department after  
5 hearing evidence of the suitability of such intended  
6 placement. Suitability of the intended placement includes the  
7 fitness and capabilities of the proposed ~~intended placement,~~  
8 ~~with primary consideration being given to the welfare of the~~  
9 ~~child; the fitness and capabilities of the proposed~~ custodian  
10 to function as the primary caregiver ~~caretaker~~ for a  
11 particular child; and the compatibility of the child with the  
12 home in which the child is intended to be placed. If the  
13 court orders that a child be placed with a custodian under  
14 this subsection, the court shall appoint such custodian as the  
15 guardian for the child as provided in s. 744.3021. The court  
16 may modify the order placing the child in the custody of the  
17 custodian and revoke the guardianship established under s.  
18 744.3021 if the court subsequently finds that a party to the  
19 proceeding other than a parent whose rights have been  
20 terminated has shown a material change in circumstances which  
21 causes the placement to be no longer in the best interest of  
22 the child.

23 (5) If the court terminates parental rights, the court  
24 shall enter a written order of disposition briefly stating the  
25 facts upon which its decision to terminate the parental rights  
26 is made. An order of termination of parental rights, whether  
27 based on parental consent or after notice served as prescribed  
28 in this part, permanently deprives the parents ~~or legal~~  
29 guardian of any right to the child.

30  
31

1           (6) The parental rights of one parent may be severed  
2 without severing the parental rights of the other parent only  
3 under the following circumstances:

4           (a) If the child has only one surviving parent;

5           (b) If the identity of a prospective parent has been  
6 established as unknown after sworn testimony;

7           (c) If the parent whose rights are being terminated  
8 became a parent through a single-parent adoption;

9           (d) If the protection of the child demands termination  
10 of the rights of a single parent; or

11           (e) If the parent whose rights are being terminated  
12 meets the criteria specified in s. 39.806(1)(d)~~39.464(1)(d)~~.

13           (7)(a) The termination of parental rights does not  
14 affect the rights of grandparents unless the court finds that  
15 continued visitation is not in the best interests of the child  
16 or that such visitation would interfere with the goals of  
17 permanency planning for the child.

18           (b) If the court terminates parental rights, it may  
19 order that the parents or relatives of the parent whose rights  
20 are terminated be allowed to maintain some contact with the  
21 child pending adoption if the best interests of the child  
22 support this continued contact, except as provided in  
23 paragraph (a). If the court orders such continued contact, the  
24 nature and frequency of the contact must be set forth in  
25 written order and may be reviewed upon motion of any party,  
26 including a prospective adoptive parent if a child has been  
27 placed for adoption. If a child is placed for adoption, the  
28 nature and frequency of the contact must be reviewed by the  
29 court at the time the child is adopted.

30           (8) If the court terminates parental rights, it shall,  
31 in its order of disposition, provide for a hearing, to be

1 scheduled no later than 30 days after the date of disposition,  
2 in which the department or the licensed child-placing agency  
3 shall provide to the court a plan for permanency for the  
4 child. Reasonable efforts must be made to place the child in a  
5 timely manner in accordance with the permanency plan, and to  
6 complete whatever steps are necessary to finalize the  
7 permanent placement of the child. Thereafter, until the  
8 adoption of the child is finalized or the child reaches the  
9 age of 18 years, whichever occurs first, the court shall hold  
10 hearings at 6-month intervals to review the progress being  
11 made toward permanency for the child.

12 (9) After termination of parental rights, the court  
13 shall retain jurisdiction over any child for whom custody is  
14 given to a social service agency until the child is adopted.  
15 The court shall review the status of the child's placement and  
16 the progress being made toward permanent adoptive placement.  
17 As part of this continuing jurisdiction, for good cause shown  
18 by the guardian ad litem for the child, the court may review  
19 the appropriateness of the adoptive placement of the child.

20 Section 77. Section 39.47, Florida Statutes, is  
21 renumbered as section 39.812, Florida Statutes, and amended to  
22 read:

23 39.812 ~~39.47~~ Post disposition relief.--

24 (1) A licensed child-placing agency or the department  
25 which is given custody of a child for subsequent adoption in  
26 accordance with this chapter may place the child in a family  
27 home for prospective subsequent adoption and the licensed  
28 child-placing agency or the department may thereafter become a  
29 party to any proceeding for the legal adoption of the child  
30 and appear in any court where the adoption proceeding is  
31

1 pending and consent to the adoption; and that consent alone  
2 shall in all cases be sufficient.

3 (2) In any subsequent adoption proceeding, the parents  
4 ~~and legal guardian~~ shall not be entitled to any notice  
5 thereof, nor shall they be entitled to knowledge at any time  
6 after the order terminating parental rights is entered of the  
7 whereabouts of the child or of the identity or location of any  
8 person having the custody of or having adopted the child,  
9 except as provided by order of the court pursuant to this  
10 chapter or chapter 63; and in any habeas corpus or other  
11 proceeding involving the child brought by any parent ~~or legal~~  
12 ~~guardian~~ of the child, no agent or contract provider of the  
13 licensed child-placing agency or department shall be compelled  
14 to divulge that information, but may be compelled to produce  
15 the child before a court of competent jurisdiction if the  
16 child is still subject to the guardianship of the licensed  
17 child-placing agency or department.

18 (3) The entry of the custody order to the department  
19 or licensed child-placing agency shall not entitle the  
20 licensed child-placing agency or department to guardianship of  
21 the estate or property of the child, but the licensed  
22 child-placing agency or department shall be the guardian of  
23 the person of the child.

24 (4) The court shall retain jurisdiction over any child  
25 for whom custody is given to a licensed child-placing agency  
26 or to the department until the child is adopted. After custody  
27 of a child for subsequent adoption has been given to an agency  
28 or the department, the court has jurisdiction for the purpose  
29 of reviewing the status of the child and the progress being  
30 made toward permanent adoptive placement. As part of this  
31 continuing jurisdiction, for good cause shown by the guardian



1 ad litem for the child, the court may review the  
2 appropriateness of the adoptive placement of the child.

3 ~~(5) The Legislature finds that children are most~~  
4 ~~likely to realize their potential when they have the ability~~  
5 ~~provided by good permanent families rather than spending long~~  
6 ~~periods of time in temporary placements or unnecessary~~  
7 ~~institutions. It is the intent of the Legislature that~~  
8 ~~decisions be consistent with the child's best interests and~~  
9 ~~that the department make proper adoptive placements as~~  
10 ~~expeditiously as possible following a final judgment~~  
11 ~~terminating parental rights.~~

12 Section 78. Section 39.813, Florida Statutes, is  
13 created to read:

14 39.813 Continuing jurisdiction.--The court which  
15 terminates the parental rights of a child who is the subject  
16 of termination proceedings pursuant to this chapter shall  
17 retain exclusive jurisdiction in all matters pertaining to the  
18 child's adoption pursuant to chapter 63.

19 Section 79. Section 39.471, Florida Statutes, is  
20 renumbered as section 39.814, Florida Statutes.

21 Section 80. Section 39.473, Florida Statutes, is  
22 renumbered as section 39.815, Florida Statutes, and subsection  
23 (1) of said section is amended to read:

24 39.815 ~~39.473~~ Appeal.--

25 (1) Any child, any parent ~~or~~ guardian ad litem, ~~or~~  
26 ~~legal custodian~~ of any child, any other party to the  
27 proceeding who is affected by an order of the court, or the  
28 department may appeal to the appropriate district court of  
29 appeal within the time and in the manner prescribed by the  
30 Florida Rules of Appellate Procedure. The district court of  
31 appeal shall give an appeal from an order terminating parental

1 rights priority in docketing and shall render a decision on  
2 the appeal as expeditiously as possible. Appointed counsel  
3 shall be compensated as provided in s. 39.0134 ~~39.474~~.

4 Section 81. Section 39.816, Florida Statutes, is  
5 created to read:

6 39.816 Authorization for pilot and demonstration  
7 projects.--

8 (1) Contingent upon receipt of a federal grant or  
9 contract pursuant to s. 473A(i) of the Social Security Act, 42  
10 U.S.C. 673A(i), enacted November 19, 1997, the department is  
11 authorized to establish one or more pilot projects for the  
12 following purposes:

13 (a) The development of best practice guidelines for  
14 expediting termination of parental rights.

15 (b) The development of models to encourage the use of  
16 concurrent planning.

17 (c) The development of specialized units and expertise  
18 in moving children toward adoption as a permanency goal.

19 (d) The development of risk-assessment tools to  
20 facilitate early identification of the children who will be at  
21 risk of harm if returned home.

22 (e) The development of models to encourage the  
23 fast-tracking of children who have not attained 1 year of age,  
24 into preadoptive placements.

25 (f) The development of programs that place children  
26 into preadoptive families without waiting for termination of  
27 parental rights.

28 (2) Contingent upon receipt of federal authorization  
29 and funding pursuant to s. 1130(a) of the Social Security Act,  
30 42 U.S.C. 1320a-9, enacted November 19, 1997, the department  
31

1 is authorized to establish one or more demonstration projects  
2 for the following purposes:

3 (a) Identifying and addressing barriers that result in  
4 delays to adoptive placements for children in out-of-home  
5 care.

6 (b) Identifying and addressing parental substance  
7 abuse problems that endanger children and result in the  
8 placement of children in out-of-home care. This purpose may be  
9 accomplished through the placement of children with their  
10 parents in residential treatment facilities, including  
11 residential treatment facilities for post-partum depression,  
12 that are specifically designed to serve parents and children  
13 together, in order to promote family reunification, and that  
14 can ensure the health and safety of the children.

15 (c) Addressing kinship care.

16 Section 82. Section 39.817, Florida Statutes, is  
17 created to read:

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

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

5 Section 83. Part X of chapter 39, Florida Statutes,  
6 consisting of sections 39.820, 39.821, 39.822, 39.823, 39.824,  
7 39.825, 39.826, 39.827, 39.828, 39.829, and 39.8295, Florida  
8 Statutes, shall be entitled to read:

9 PART X

10 GUARDIANS AD LITEM AND GUARDIAN ADVOCATES

11 Section 84. Section 39.820, Florida Statutes, is  
12 created to read:

13 39.820 Definitions.--As used in this part, the term:

14 (1) "Guardian ad litem" as referred to in any civil or  
15 criminal proceeding includes the following: a certified  
16 guardian ad litem program, a duly certified volunteer, a staff  
17 attorney, contract attorney, or certified pro bono attorney  
18 working on behalf of a guardian ad litem or the program; staff  
19 members of a program office; a court-appointed attorney; or a  
20 responsible adult who is appointed by the court to represent  
21 the best interests of a child in a proceeding as provided for  
22 by law, including, but not limited to, this chapter, who is a  
23 party to any judicial proceeding as a representative of the  
24 child, and who serves until discharged by the court.

25 (2) "Guardian advocate" means a person appointed by  
26 the court to act on behalf of a drug dependent newborn  
27 pursuant to the provisions of this part.

28 Section 85. Section 415.5077, Florida Statutes, is  
29 renumbered as section 39.821, Florida Statutes.  
30  
31

1 Section 86. Section 415.508, Florida Statutes, is  
2 renumbered as section 39.822, Florida Statutes, and amended to  
3 read:

4 39.822 ~~415.508~~ Appointment of guardian ad litem for  
5 abused, abandoned, or neglected child.--

6 (1) A guardian ad litem shall be appointed by the  
7 court at the earliest possible time to represent the child in  
8 any child abuse, abandonment, or neglect judicial proceeding,  
9 whether civil or criminal. Any person participating in a  
10 civil or criminal judicial proceeding resulting from such  
11 appointment shall be presumed prima facie to be acting in good  
12 faith and in so doing shall be immune from any liability,  
13 civil or criminal, that otherwise might be incurred or  
14 imposed.

15 (2) In those cases in which the parents are  
16 financially able, the parent or parents of the child shall  
17 reimburse the court, in part or in whole, for the cost of  
18 provision of guardian ad litem services. Reimbursement to the  
19 individual providing guardian ad litem services shall not be  
20 contingent upon successful collection by the court from the  
21 parent or parents.

22 (3) The guardian ad litem or the program  
23 representative shall review all disposition recommendations  
24 and changes in placements, and must be present at all critical  
25 stages of the dependency proceeding or submit a written report  
26 of recommendations to the court.

27 Section 87. Section 415.5082, Florida Statutes, is  
28 renumbered as section 39.823, Florida Statutes, and amended to  
29 read:

30 39.823 ~~415.5082~~ Guardian advocates for drug dependent  
31 newborns.--The Legislature finds that increasing numbers of

1 drug dependent children are born in this state. Because of  
2 the parents' continued dependence upon drugs, the parents may  
3 temporarily leave their child with a relative or other adult  
4 or may have agreed to voluntary family services under s.  
5 39.301(8)~~415.505(1)(e)~~. The relative or other adult may be  
6 left with a child who is likely to require medical treatment  
7 but for whom they are unable to obtain medical treatment. The  
8 purpose of this section is to provide an expeditious method  
9 for such relatives or other responsible adults to obtain a  
10 court order which allows them to provide consent for medical  
11 treatment and otherwise advocate for the needs of the child  
12 and to provide court review of such authorization.

13 Section 88. Section 415.5083, Florida Statutes, is  
14 renumbered as section 39.824, Florida Statutes, and amended to  
15 read:

16 39.824 ~~415.5083~~ Procedures and jurisdiction.--

17 (1) The Supreme Court is requested to adopt rules of  
18 juvenile procedure by October 1, 1989, to implement this part  
19 ~~ss. 415.5082-415.5089~~. All procedures, including petitions,  
20 pleadings, subpoenas, summonses, and hearings in cases for the  
21 appointment of a guardian advocate shall be according to the  
22 Florida Rules of Juvenile Procedure unless otherwise provided  
23 by law.

24 (2) The circuit court shall have exclusive original  
25 jurisdiction of a proceeding in which appointment of a  
26 guardian advocate is sought. The court shall retain  
27 jurisdiction over a child for whom a guardian advocate is  
28 appointed until specifically relinquished by court order.

29 Section 89. Section 415.5084, Florida Statutes, is  
30 renumbered as section 39.825, Florida Statutes.

31

1           Section 90. Section 415.5085, Florida Statutes, is  
2 renumbered as section 39.826, Florida Statutes.

3           Section 91. Section 415.5086, Florida Statutes, is  
4 renumbered as section 39.827, Florida Statutes, and amended to  
5 read:

6           39.827 ~~415.5086~~ Hearing for appointment of a guardian  
7 advocate.--

8           (1) When a petition for appointment of a guardian  
9 advocate has been filed with the circuit court, the hearing  
10 shall be held within 14 days unless all parties agree to a  
11 continuance. If a child is in need of necessary medical  
12 treatment as defined in s. 39.01, the court shall hold a  
13 hearing within 24 hours.

14           (2) At the hearing, the parents have the right to be  
15 present, to present testimony, to call and cross-examine  
16 witnesses, to be represented by counsel at their own expense,  
17 and to object to the appointment of the guardian advocate.

18           (3) The hearing shall be conducted by the judge  
19 without a jury, applying the rules of evidence in use in civil  
20 cases. In a hearing on a petition for appointment of a  
21 guardian advocate, the moving party shall prove all the  
22 elements in s. 39.828 ~~415.5087~~ by a preponderance of the  
23 evidence.

24           (4) The hearing under this section shall remain  
25 confidential and closed to the public. The clerk shall keep  
26 all court records required by this part ~~ss. 415.5082-415.5089~~  
27 separate from other records of the circuit court. All court  
28 records required by this part ~~ss. 415.5082-415.5089~~ shall be  
29 confidential and exempt from the provisions of s. 119.07(1).  
30 All records shall be inspected only upon order of the court by  
31 persons deemed by the court to have a proper interest therein,

1 except that a child and the parents or custodians of the child  
2 and their attorneys and the department and its designees shall  
3 always have the right to inspect and copy any official record  
4 pertaining to the child. The court may permit authorized  
5 representatives of recognized organizations compiling  
6 statistics for proper purposes to inspect and make abstracts  
7 from official records, under whatever conditions upon their  
8 use and disposition the court may deem proper, and may punish  
9 by contempt proceedings any violation of those conditions.

10 All information obtained pursuant to this part ~~ss.~~  
11 ~~415.5082-415.5089~~ in the discharge of official duty by any  
12 judge, employee of the court, or authorized agent of the  
13 department, shall be confidential and exempt from the  
14 provisions of s. 119.07(1) and shall not be disclosed to  
15 anyone other than the authorized personnel of the court or the  
16 department and its designees, except upon order of the court.

17 Section 92. Section 415.5087, Florida Statutes, is  
18 renumbered as section 39.828, Florida Statutes, and amended to  
19 read:

20 39.828 ~~415.5087~~ Grounds for appointment of a guardian  
21 advocate.--

22 (1) The court shall appoint the person named in the  
23 petition as a guardian advocate with all the powers and duties  
24 specified in s. 39.829 ~~415.5088~~ for an initial term of 1 year  
25 upon a finding that:

26 (a) The child named in the petition is or was a drug  
27 dependent newborn as described in s. 39.01(30)(g).  
28 ~~415.503(10)(a)2.~~;

29 (b) The parent or parents of the child have  
30 voluntarily relinquished temporary custody of the child to a  
31 relative or other responsible adult;



1 (c) The person named in the petition to be appointed  
2 the guardian advocate is capable of carrying out the duties as  
3 provided in s. 39.829 ~~415.5088~~; and

4 (d) A petition to adjudicate the child dependent  
5 pursuant to this chapter ~~39~~ has not been filed.

6 (2) The appointment of a guardian advocate does not  
7 remove from the parents the right to consent to medical  
8 treatment for their child. The appointment of a guardian  
9 advocate does not prevent the filing of a subsequent petition  
10 under this chapter ~~39~~ to have the child adjudicated dependent.

11 Section 93. Section 415.5088, Florida Statutes, is  
12 renumbered as section 39.829, Florida Statutes.

13 Section 94. Section 415.5089, Florida Statutes, is  
14 renumbered as section 39.8295, Florida Statutes, and amended  
15 to read:

16 39.8295 ~~415.5089~~ Review and removal of guardian  
17 advocate.--

18 (1) At the end of the initial 1-year appointment, the  
19 court shall review the status of the child's care, health, and  
20 medical condition for the purpose of determining whether to  
21 reauthorize the appointment of the guardian advocate. If the  
22 court finds that all of the elements of s. 39.828 ~~415.5087~~ are  
23 still met the court shall reauthorize the guardian advocate  
24 for another year.

25 (2) At any time, the court may, upon its own motion,  
26 or upon the motion of the department, a family member, or  
27 other interested person remove a guardian advocate. A  
28 guardian advocate shall be removed if the court finds that the  
29 guardian advocate is not properly discharging his or her  
30 responsibilities or is acting in a manner inconsistent with  
31 his or her appointment, that the parents have assumed parental

1 responsibility to provide for the child, or that the child has  
2 been adjudicated dependent pursuant to this chapter ~~39~~.

3 Section 95. Part XI of chapter 39, Florida Statutes,  
4 consisting of sections 39.901, 39.902, 39.903, 39.904, 39.905,  
5 39.906, and 39.908, Florida Statutes, shall be entitled to  
6 read:

7 PART XI

8 DOMESTIC VIOLENCE

9 Section 96. Section 415.601, Florida Statutes, is  
10 renumbered as section 39.901, Florida Statutes.

11 Section 97. Section 415.602, Florida Statutes, is  
12 renumbered as section 39.902, Florida Statutes, and amended to  
13 read:

14 39.902 ~~415.602~~ Definitions of terms used in ~~ss.~~  
15 ~~415.601-415.608.~~--As used in this part ~~ss. 415.601-415.608~~,  
16 the term:

17 ~~(1) "Department" means the Department of Children and~~  
18 ~~Family Services.~~

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

21 (1)~~(3)~~ "Domestic violence" means any assault, battery,  
22 sexual assault, sexual battery, or any criminal offense  
23 resulting in physical injury or death of one family or  
24 household member by another who is or was residing in the same  
25 single dwelling unit.

26 (2)~~(4)~~ "Domestic violence center" means an agency that  
27 provides services to victims of domestic violence, as its  
28 primary mission.

29 (3)~~(5)~~ "Family or household member" means spouses,  
30 former spouses, adults related by blood or marriage, persons  
31 who are presently residing together as if a family or who have

1 resided together in the past as if a family, and persons who  
2 have a child in common regardless of whether they have been  
3 married or have resided together at any time.

4 Section 98. Section 415.603, Florida Statutes, is  
5 renumbered as section 39.903, Florida Statutes, and subsection  
6 (1) of said section is amended to read:

7 39.903 ~~415.603~~ Duties and functions of the department  
8 with respect to domestic violence.--

9 (1) The department shall:

10 (a) Develop by rule criteria for the approval or  
11 rejection of certification or funding of domestic violence  
12 centers.

13 (b) Develop by rule minimum standards for domestic  
14 violence centers to ensure the health and safety of the  
15 clients in the centers.

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

29 (d) Evaluate each certified domestic violence center  
30 annually to ensure compliance with the minimum standards. The  
31 department has the right to enter and inspect the premises of

1 certified domestic violence centers at any reasonable hour in  
2 order to effectively evaluate the state of compliance of these  
3 centers with this part ~~ss. 415.601-415.608~~ and rules relating  
4 to this part ~~those sections~~.

5 (e) Adopt rules to implement this part ~~ss.~~  
6 ~~415.601-415.608~~.

7 (f) Promote the involvement of certified domestic  
8 violence centers in the coordination, development, and  
9 planning of domestic violence programming in the districts and  
10 the state.

11 Section 99. Section 415.604, Florida Statutes, is  
12 renumbered as section 39.904, Florida Statutes, and amended to  
13 read:

14 39.904 ~~415.604~~ Report to the Legislature on the status  
15 of domestic violence cases.--On or before January 1 of each  
16 year, the department of ~~Children and Family Services~~ shall  
17 furnish to the President of the Senate and the Speaker of the  
18 House of Representatives a report on the status of domestic  
19 violence in this state, which report shall include, but is not  
20 limited to, the following:

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

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

27 (3) An identification and description of the types of  
28 programs in the state that assist victims of domestic violence  
29 or persons who commit domestic violence, including information  
30 on funding for the programs.

31

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

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

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

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

14 Section 100. Section 415.605, Florida Statutes, is  
15 renumbered as section 39.905, Florida Statutes, and  
16 subsections (1) and (2) and paragraph (a) of subsection (6) of  
17 said section are amended, to read:

18 39.905 ~~415.605~~ Domestic violence centers.--

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

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

28 (b) Receive the annual written endorsement of local  
29 law enforcement agencies.

30 (c) Provide minimum services which include, but are  
31 not limited to, information and referral services, counseling

1 and case management services, temporary emergency shelter for  
2 more than 24 hours, a 24-hour hotline, training for law  
3 enforcement personnel, assessment and appropriate referral of  
4 resident children, and educational services for community  
5 awareness relative to the incidence of domestic violence, the  
6 prevention of such violence, and the care, treatment, and  
7 rehabilitation for persons engaged in or subject to domestic  
8 violence. If a 24-hour hotline, professional training, or  
9 community education is already provided by a certified  
10 domestic violence center within a district, the department may  
11 exempt such certification requirements for a new center  
12 serving the same district in order to avoid duplication of  
13 services.

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

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

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

26 (g) File with the department a list of the names of  
27 the domestic violence advocates who are employed or who  
28 volunteer at the domestic violence center who may claim a  
29 privilege under s. 90.5036 to refuse to disclose a  
30 confidential communication between a victim of domestic  
31 violence and the advocate regarding the domestic violence

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

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

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

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

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

22 (a) Obtain certification pursuant to this part ss.  
23 ~~415.601-415.608~~. However, the issuance of a certificate will  
24 not obligate the department to provide funding.

25 Section 101. Section 415.606, Florida Statutes, is  
26 renumbered as section 39.906, Florida Statutes.

27 Section 102. Section 415.608, Florida Statutes, is  
28 renumbered as section 39.908, Florida Statutes.

29 Section 103. Subsections (4) through (20) of section  
30 20.19, Florida Statutes, are renumbered as subsections (5)  
31 through (21), respectively, paragraph (b) of present

1 subsection (4), paragraph (o) of present subsection (7), and  
2 paragraph (c) of present subsection (20) are amended, and a  
3 new subsection (4) is added to said section, to read:

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

7           (4) CERTIFICATION PROGRAMS FOR DEPARTMENT EMPLOYEES.--

8 The department is authorized to create certification programs  
9 for family safety and preservation employees and agents to  
10 ensure that only qualified employees and agents provide child  
11 protection services. The department is authorized to develop  
12 rules that include qualifications for certification, including  
13 training and testing requirements, continuing education  
14 requirements for ongoing certification, and decertification  
15 procedures to be used to determine when an individual no  
16 longer meets the qualifications for certification and to  
17 implement the decertification of an employee or agent.

18           (5)~~(4)~~ PROGRAM OFFICES.--

19           (b) The following program offices are established and  
20 may be consolidated, restructured, or rearranged by the  
21 secretary; provided any such consolidation, restructuring, or  
22 rearranging is for the purpose of encouraging service  
23 integration through more effective and efficient performance  
24 of the program offices or parts thereof:

25           1. Economic Self-Sufficiency Program Office.--The  
26 responsibilities of this office encompass income support  
27 programs within the department, such as temporary assistance  
28 to families with dependent children, food stamps, welfare  
29 reform, and state supplementation of the supplemental security  
30 income (SSI) program.

31



1           2. Developmental Services Program Office.--The  
2 responsibilities of this office encompass programs operated by  
3 the department for developmentally disabled persons.  
4 Developmental disabilities include any disability defined in  
5 s. 393.063.

6           3. Children and Families Program Office.--The  
7 responsibilities of this program office encompass early  
8 intervention services for children and families at risk;  
9 intake services for protective investigation of abandoned,  
10 abused, and neglected children; interstate compact on the  
11 placement of children programs; adoption; child care;  
12 out-of-home care programs and other specialized services to  
13 families; and child protection and sexual abuse treatment  
14 teams created under chapter 39 ~~415~~, excluding medical  
15 direction functions.

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

20           (7) HEALTH AND HUMAN SERVICES BOARDS.--

21           (o) Health and human services boards have the  
22 following responsibilities, with respect to those programs and  
23 services assigned to the districts, as developed jointly with  
24 the district administrator:

25           1. Establish district outcome measures consistent with  
26 statewide outcomes.

27           2. Conduct district needs assessments using  
28 methodologies consistent with those established by the  
29 secretary.

30           3. Negotiate with the secretary a district performance  
31 agreement that:

- 1           a. Identifies current resources and services  
2 available;
- 3           b. Identifies unmet needs and gaps in services;
- 4           c. Establishes service and funding priorities;
- 5           d. Establishes outcome measures for the district; and
- 6           e. Identifies expenditures and the number of clients  
7 to be served, by service.
- 8           4. Provide budget oversight, including development and  
9 approval of the district's legislative budget request.
- 10          5. Provide policy oversight, including development and  
11 approval of district policies and procedures.
- 12          6. Act as a focal point for community participation in  
13 department activities such as:
- 14           a. Assisting in the integration of all health and  
15 social services within the community;
- 16           b. Assisting in the development of community  
17 resources;
- 18           c. Advocating for community programs and services;
- 19           d. Receiving and addressing concerns of consumers and  
20 others; and
- 21           e. Advising the district administrator on the  
22 administration of service programs throughout the district.
- 23          7. Advise the district administrator on ways to  
24 integrate the delivery of family and health care services at  
25 the local level.
- 26          8. Make recommendations which would enhance district  
27 productivity and efficiency, ensure achievement of performance  
28 standards, and assist the district in improving the  
29 effectiveness of the services provided.
- 30          9. Review contract provider performance reports.
- 31

1           10. Immediately upon appointment of the membership,  
2 develop bylaws that clearly identify and describe operating  
3 procedures for the board. At a minimum, the bylaws must  
4 specify notice requirements for all regular and special  
5 meetings of the board, the number of members required to  
6 constitute a quorum, and the number of affirmative votes of  
7 members present and voting that are required to take official  
8 and final action on a matter before the board.

9           11.a. Determine the board's internal organizational  
10 structure, including the designation of standing committees.  
11 In order to foster the coordinated and integrated delivery of  
12 family services in its community, a local board shall use a  
13 committee structure that is based on issues, such as children,  
14 housing, transportation, or health care. Each such committee  
15 must include consumers, advocates, providers, and department  
16 staff from every appropriate program area. In addition, each  
17 board and district administrator shall jointly identify  
18 community entities, including, but not limited to, the Area  
19 Agency on Aging, and resources outside the department to be  
20 represented on the committees of the board.

21           b. The district juvenile justice boards established in  
22 s. 985.413 ~~39.025~~ constitute the standing committee on issues  
23 relating to planning, funding, or evaluation of programs and  
24 services relating to the juvenile justice continuum.

25           12. Participate with the secretary in the selection of  
26 a district administrator according to the provisions of  
27 paragraph (10) ~~(9)~~ (b).

28           13. Complete an annual evaluation of the district and  
29 review the evaluation at a meeting of the board at which the  
30 public has an opportunity to comment.

31

1           14. Provide input to the secretary on the annual  
2 evaluation of the district administrator. The board may  
3 request that the secretary submit a written report on the  
4 actions to be taken to address negative aspects of the  
5 evaluation. At any time, the board may recommend to the  
6 secretary that the district administrator be discharged. Upon  
7 receipt of such a recommendation, the secretary shall make a  
8 formal reply to the board stating the action to be taken with  
9 respect to the board's recommendation.

10           15. Elect a chair and other officers, as specified in  
11 the bylaws, from among the members of the board.

12           (20) INNOVATION ZONES.--The health and human services  
13 board may propose designation of an innovation zone for any  
14 experimental, pilot, or demonstration project that furthers  
15 the legislatively established goals of the department. An  
16 innovation zone is a defined geographic area such as a  
17 district, county, municipality, service delivery area, school  
18 campus, or neighborhood providing a laboratory for the  
19 research, development, and testing of the applicability and  
20 efficacy of model programs, policy options, and new  
21 technologies for the department.

22           (c) The Statewide Health and Human Services Board, in  
23 conjunction with the secretary, shall develop a family  
24 services innovation transfer network for the purpose of  
25 providing information on innovation zone research and projects  
26 or other effective initiatives in family services to the  
27 health and human services boards established under subsection  
28 (8)~~(7)~~.

29           Section 104. Paragraph (h) of subsection (1) of  
30 section 20.43, Florida Statutes, is amended to read:

1           20.43 Department of Health.--There is created a  
2 Department of Health.

3           (1) The purpose of the Department of Health is to  
4 promote and protect the health of all residents and visitors  
5 in the state through organized state and community efforts,  
6 including cooperative agreements with counties. The  
7 department shall:

8           (h) Provide medical direction for child protection  
9 team and sexual abuse treatment functions created under  
10 chapter 39 ~~415~~.

11           Section 105. Paragraph (b)2. of subsection (2) of  
12 section 61.13, Florida Statutes, is amended to read:

13           61.13 Custody and support of children; visitation  
14 rights; power of court in making orders.--

15           (2)

16           (b)

17           2. The court shall order that the parental  
18 responsibility for a minor child be shared by both parents  
19 unless the court finds that shared parental responsibility  
20 would be detrimental to the child. Evidence that a parent has  
21 been convicted of a felony of the third degree or higher  
22 involving domestic violence, as defined in s. 741.28 and  
23 chapter 775, or meets the criteria of s. 39.806(1)(d)  
24 ~~39.464(1)(d)~~, creates a rebuttable presumption of detriment to  
25 the child. If the presumption is not rebutted, shared parental  
26 responsibility, including visitation, residence of the child,  
27 and decisions made regarding the child, may not be granted to  
28 the convicted parent. However, the convicted parent is not  
29 relieved of any obligation to provide financial support. If  
30 the court determines that shared parental responsibility would  
31 be detrimental to the child, it may order sole parental

1 responsibility and make such arrangements for visitation as  
2 will best protect the child or abused spouse from further  
3 harm. Whether or not there is a conviction of any offense of  
4 domestic violence or child abuse or the existence of an  
5 injunction for protection against domestic violence, the court  
6 shall consider evidence of domestic violence or child abuse as  
7 evidence of detriment to the child.

8         a. In ordering shared parental responsibility, the  
9 court may consider the expressed desires of the parents and  
10 may grant to one party the ultimate responsibility over  
11 specific aspects of the child's welfare or may divide those  
12 responsibilities between the parties based on the best  
13 interests of the child. Areas of responsibility may include  
14 primary residence, education, medical and dental care, and any  
15 other responsibilities that the court finds unique to a  
16 particular family.

17         b. The court shall order "sole parental  
18 responsibility, with or without visitation rights, to the  
19 other parent when it is in the best interests of" the minor  
20 child.

21         c. The court may award the grandparents visitation  
22 rights with a minor child if it is in the child's best  
23 interest. Grandparents have legal standing to seek judicial  
24 enforcement of such an award. This section does not require  
25 that grandparents be made parties or given notice of  
26 dissolution pleadings or proceedings, nor do grandparents have  
27 legal standing as "contestants" as defined in s. 61.1306. A  
28 court may not order that a child be kept within the state or  
29 jurisdiction of the court solely for the purpose of permitting  
30 visitation by the grandparents.

31

1           Section 106. Section 61.401, Florida Statutes, is  
2 amended to read:

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

19           Section 107. Section 61.402, Florida Statutes, is  
20 amended to read:

21           61.402 Qualifications of guardians ad litem.--A  
22 guardian ad litem must be either a citizen certified by the  
23 Guardian Ad Litem Program to act in family law cases or an  
24 attorney who is a member in good standing of The Florida Bar.  
25 Prior to certifying a guardian ad litem to be appointed under  
26 this chapter, the Guardian Ad Litem Program must conduct a  
27 security background investigation as provided in s. 39.821  
28 ~~415.5077~~.

29           Section 108. Subsection (4) of section 63.052, Florida  
30 Statutes, is amended to read:

31           63.052 Guardians designated; proof of commitment.--

1           (4) If a child is voluntarily surrendered to an  
2 intermediary for subsequent adoption and the adoption does not  
3 become final within 180 days, the intermediary must report to  
4 the court on the status of the child and the court may at that  
5 time proceed under s. 39.701 ~~39.453~~ or take action reasonably  
6 necessary to protect the best interest of the child.

7           Section 109. Paragraph (b) of subsection (2) of  
8 section 63.092, Florida Statutes, is amended to read:

9           63.092 Report to the court of intended placement by an  
10 intermediary; preliminary study.--

11           (2) PRELIMINARY HOME STUDY.--Before placing the minor  
12 in the intended adoptive home, a preliminary home study must  
13 be performed by a licensed child-placing agency, a licensed  
14 professional, or agency described in s. 61.20(2), unless the  
15 petitioner is a stepparent, a spouse of the birth parent, or a  
16 relative. The preliminary study shall be completed within 30  
17 days after the receipt by the court of the intermediary's  
18 report, but in no event may the child be placed in the  
19 prospective adoptive home prior to the completion of the  
20 preliminary study unless ordered by the court. If the  
21 petitioner is a stepparent, a spouse of the birth parent, or a  
22 relative, the preliminary home study may be required by the  
23 court for good cause shown. The department is required to  
24 perform the preliminary home study only if there is no  
25 licensed child-placing agency, licensed professional, or  
26 agency described in s. 61.20(2), in the county where the  
27 prospective adoptive parents reside. The preliminary home  
28 study must be made to determine the suitability of the  
29 intended adoptive parents and may be completed prior to  
30 identification of a prospective adoptive child. A favorable  
31 preliminary home study is valid for 1 year after the date of



1 its completion. A child must not be placed in an intended  
2 adoptive home before a favorable preliminary home study is  
3 completed unless the adoptive home is also a licensed foster  
4 home under s. 409.175. The preliminary home study must  
5 include, at a minimum:

6 (b) Records checks of the department's central abuse  
7 registry ~~under chapter 415~~ and ~~statewide~~ criminal records  
8 correspondence checks pursuant to s. 435.045 through the  
9 Department of Law Enforcement on the intended adoptive  
10 parents;

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

24 Section 110. Subsection (2) of section 90.5036,  
25 Florida Statutes, is amended to read:

26 90.5036 Domestic violence advocate-victim privilege.--

27 (2) A victim has a privilege to refuse to disclose,  
28 and to prevent any other person from disclosing, a  
29 confidential communication made by the victim to a domestic  
30 violence advocate or any record made in the course of  
31 advising, counseling, or assisting the victim. The privilege

1 applies to confidential communications made between the victim  
2 and the domestic violence advocate and to records of those  
3 communications only if the advocate is registered under s.  
4 39.905 ~~415.605~~ at the time the communication is made. This  
5 privilege includes any advice given by the domestic violence  
6 advocate in the course of that relationship.

7 Section 111. Section 154.067, Florida Statutes, is  
8 amended to read:

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

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

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

26 Section 112. Subsection (15) of section 213.053,  
27 Florida Statutes, is amended to read:

28 213.053 Confidentiality and information sharing.--

29 (15) The department may disclose confidential taxpayer  
30 information contained in returns, reports, accounts, or  
31 declarations filed with the department by persons subject to

1 any state or local tax to the child support enforcement  
2 program, to assist in the location of parents who owe or  
3 potentially owe a duty of support pursuant to Title IV-D of  
4 the Social Security Act, their assets, their income, and their  
5 employer, and to the Department of Children and Family  
6 Services for the purpose of diligent search activities  
7 pursuant to chapter 39. Nothing in this subsection authorizes  
8 the disclosure of information if such disclosure is prohibited  
9 by federal law. Employees of the child support enforcement  
10 program and of the Department of Children and Family Services  
11 are bound by the same requirements of confidentiality and the  
12 same penalties for violation of the requirements as the  
13 department.

14 Section 113. Paragraph (a) of subsection (8) of  
15 section 216.136, Florida Statutes, is amended to read:

16 216.136 Consensus estimating conferences; duties and  
17 principals.--

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

19 (a) Duties.--The Child Welfare System Estimating  
20 Conference shall develop the following information relating to  
21 the child welfare system:

22 1. Estimates and projections of the number of initial  
23 and additional reports of child abuse, abandonment, or neglect  
24 made to the central abuse hotline registry ~~and tracking system~~  
25 maintained by the Department of Children and Family Health and  
26 ~~Rehabilitative~~ Services as established in s. 39.201(4)  
27 ~~415.504(4)(a)~~.

28 2. Estimates and projections of the number of children  
29 who are alleged to be victims of child abuse, abandonment, or  
30 neglect and are in need of placement in a an emergency  
31 shelter.

1  
 2 In addition, the conference shall develop other official  
 3 information relating to the child welfare system of the state  
 4 which the conference determines is needed for the state  
 5 planning and budgeting system. The Department of Children and  
 6 Family ~~Health and Rehabilitative~~ Services shall provide  
 7 information on the child welfare system requested by the Child  
 8 Welfare System Estimating Conference, or individual conference  
 9 principals, in a timely manner.

10 Section 114. Section 232.50, Florida Statutes, is  
 11 amended to read:

12 232.50 Child abuse, abandonment, and neglect  
 13 policy.--Every school board shall by March 1, 1985:

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

24 (2) Provide that the superintendent, or the  
 25 superintendent's designee, at the request of the Department of  
 26 Children and Family ~~Health and Rehabilitative~~ Services, will  
 27 act as a liaison to the Department of Children and Family  
 28 ~~Health and Rehabilitative~~ Services and the child protection  
 29 team, as defined in s. 39.01 ~~415.503~~, when in a case of  
 30 suspected child abuse, abandonment, or neglect or an unlawful  
 31 sexual offense involving a child the case is referred to such

1 a team; except that this subsection may in no instance be  
2 construed as relieving or restricting the Department of  
3 Children and Family ~~Health and Rehabilitative~~ Services from  
4 discharging its duty and responsibility under the law to  
5 investigate and report every suspected or actual case of child  
6 abuse, abandonment, or neglect or unlawful sexual offense  
7 involving a child.

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

13 Section 115. Paragraph (a) of subsection (2) of  
14 section 318.21, Florida Statutes, as amended by section 2(1)  
15 of chapter 97-235, Laws of Florida, is amended to read:

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

20 (2) Of the remainder:

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

28 Section 116. Effective July 1, 1999, paragraph (a) of  
29 subsection (2) of section 318.21, as amended by section 3(1)  
30 of chapter 97-235, Laws of Florida, is amended to read:

31

1           318.21 Disposition of civil penalties by county  
2 courts.--All civil penalties received by a county court  
3 pursuant to the provisions of this chapter shall be  
4 distributed and paid monthly as follows:

5           (2) Of the remainder:

6           (a) Ten and six-tenths percent shall be paid to the  
7 General Revenue Fund of the state, except that the first  
8 \$300,000 shall be deposited into the Grants and Donations  
9 Trust Fund in the Department of Children and Family Services  
10 for administrative costs, training costs, and costs associated  
11 with the implementation and maintenance of Florida foster care  
12 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

13           Section 117. Effective July 1, 2000, paragraph (a) of  
14 subsection (2) of section 318.21, Florida Statutes, as amended  
15 by section 4(1) of chapter 97-235, Laws of Florida, is amended  
16 to read:

17           318.21 Disposition of civil penalties by county  
18 courts.--All civil penalties received by a county court  
19 pursuant to the provisions of this chapter shall be  
20 distributed and paid monthly as follows:

21           (2) Of the remainder:

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

29           Section 118. Effective July 1, 2001, paragraph (a) of  
30 subsection (2) of section 318.21, Florida Statutes, as amended  
31

1 by section 5(1) of chapter 97-235, Laws of Florida, is amended  
2 to read:

3           318.21 Disposition of civil penalties by county  
4 courts.--All civil penalties received by a county court  
5 pursuant to the provisions of this chapter shall be  
6 distributed and paid monthly as follows:

7           (2) Of the remainder:

8           (a) Twenty and six-tenths percent shall be paid to the  
9 County Article V Trust Fund, except that the first \$300,000  
10 shall be deposited into the Grants and Donations Trust Fund in  
11 the Department of Children and Family Services for  
12 administrative costs, training costs, and costs associated  
13 with the implementation and maintenance of Florida foster care  
14 citizen review panels as provided for in s. 39.702 ~~39.4531~~.

15           Section 119. Effective July 1, 2002, paragraph (a) of  
16 subsection (2) of section 318.21, Florida Statutes, as amended  
17 by section 6 of chapter 97-235, Laws of Florida, is amended to  
18 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) Twenty 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 120. Paragraph (e) of subsection (1) of  
2 section 384.29, Florida Statutes, is amended to read:

3           384.29 Confidentiality.--

4           (1) All information and records held by the department  
5 or its authorized representatives relating to known or  
6 suspected cases of sexually transmissible diseases are  
7 strictly confidential and exempt from the provisions of s.  
8 119.07(1). Such information shall not be released or made  
9 public by the department or its authorized representatives, or  
10 by a court or parties to a lawsuit upon revelation by  
11 subpoena, except under the following circumstances:

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

14           Section 121. Paragraph (e) of subsection (1) of  
15 section 392.65, Florida Statutes, is amended to read:

16           392.65 Confidentiality.--

17           (1) All information and records held by the department  
18 or its authorized representatives relating to known or  
19 suspected cases of tuberculosis or exposure to tuberculosis  
20 shall be strictly confidential and exempt from s. 119.07(1).  
21 Such information shall not be released or made public by the  
22 department or its authorized representatives or by a court or  
23 parties to a lawsuit, except that release may be made under  
24 the following circumstances:

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

27           Section 122. The introductory paragraph of subsection  
28 (14) of section 393.063, Florida Statutes, is amended to read:

29           393.063 Definitions.--For the purposes of this  
30 chapter:

31



1           (14) "Direct service provider," also known as  
2 "caregiver" in chapters 39 and chapter 415 or "caretaker" in  
3 provisions relating to employment security checks, means a  
4 person 18 years of age or older who has direct contact with  
5 individuals with developmental disabilities and is unrelated  
6 to the individuals with developmental disabilities.

7           Section 123. Section 395.1023, Florida Statutes, is  
8 amended to read:

9           395.1023 Child abuse and neglect cases; duties.--Each  
10 licensed facility shall adopt a protocol that, at a minimum,  
11 requires the facility to:

12           (1) Incorporate a facility policy that every staff  
13 member has an affirmative duty to report, pursuant to chapter  
14 39 415, any actual or suspected case of child abuse,  
15 abandonment, or neglect; and

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

24  
25 Each general hospital and appropriate specialty hospital shall  
26 comply with the provisions of this section and shall notify  
27 the agency and the department of its compliance by sending a  
28 copy of its policy to the agency and the department as  
29 required by rule. The failure by a general hospital or  
30 appropriate specialty hospital to comply shall be punished by  
31 a fine not exceeding \$1,000, to be fixed, imposed, and

1 collected by the agency. Each day in violation is considered  
2 a separate offense.

3 Section 124. Section 400.4174, Florida Statutes, is  
4 amended to read:

5 400.4174 Reports of abuse in facilities.--When an  
6 employee, volunteer, administrator, or owner of a facility has  
7 a confirmed report of adult abuse, neglect, or exploitation,  
8 as defined in s. 415.102, or a judicially determined report of  
9 child abuse, abandonment, or neglect, as defined in s. 39.01  
10 ~~415.503~~, and the protective investigator knows that the  
11 individual is an employee, volunteer, administrator, or owner  
12 of a facility, the agency shall be notified of the ~~confirmed~~  
13 report.

14 Section 125. Paragraph (c) of subsection (2) of  
15 section 400.556, Florida Statutes, is amended to read:

16 400.556 Denial, suspension, revocation of license;  
17 administrative fines; investigations and inspections.--

18 (2) Each of the following actions by the owner of an  
19 adult day care center or by its operator or employee is a  
20 ground for action by the agency against the owner of the  
21 center or its operator or employee:

22 (c) A confirmed report of adult abuse, neglect, or  
23 exploitation, as defined in s. 415.102, or a report of child  
24 abuse, abandonment, or neglect, as defined in s. 39.01  
25 ~~415.503~~, which report has been upheld following a hearing held  
26 pursuant to chapter 120 or a waiver of such hearing.

27 Section 126. Paragraph (a) of subsection (8) of  
28 section 402.165, Florida Statutes, is amended to read:

29 402.165 Statewide Human Rights Advocacy Committee;  
30 confidential records and meetings.--

31

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

3 1. Authority to receive, investigate, seek to  
4 conciliate, hold hearings on, and act on complaints which  
5 allege any abuse or deprivation of constitutional or human  
6 rights of clients.

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

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

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

9 Section 127. Paragraph (a) of subsection (8) of  
10 section 402.166, Florida Statutes, is amended to read:

11 402.166 District human rights advocacy committees;  
12 confidential records and meetings.--

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

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

30 2. Standing to petition the circuit court for access  
31 to client records which are confidential as specified by law.

1 The petition shall state the specific reasons for which the  
 2 committee is seeking access and the intended use of such  
 3 information. The court may authorize committee access to such  
 4 records upon a finding that such access is directly related to  
 5 an investigation regarding the possible deprivation of  
 6 constitutional or human rights or the abuse of a client.  
 7 Original client files, records, and reports shall not be  
 8 removed from Department of Children and Family ~~Health and~~  
 9 ~~Rehabilitative~~ Services or agency facilities. Upon no  
 10 circumstances shall the committee have access to confidential  
 11 adoption records in accordance with the provisions of ss.  
 12 39.0132 ~~39.411~~, 63.022, and 63.162. Upon completion of a  
 13 general investigation of practices and procedures of the  
 14 Department of Children and Family ~~Health and Rehabilitative~~  
 15 Services, the committee shall report its findings to that  
 16 department.

17 Section 128. Section 409.1672, Florida Statutes, is  
 18 amended to read:

19 409.1672 Incentives for department employees.--In  
 20 order to promote accomplishing the goal of family  
 21 preservation, family reunification, or permanent placement of  
 22 a child in an adoptive home, the department may, pursuant to  
 23 s. 110, chapter 92-142, Laws of Florida, or subsequent  
 24 legislative authority and within existing resources, develop  
 25 monetary performance incentives such as bonuses, salary  
 26 increases, and educational enhancements for department  
 27 employees engaged in positions and activities related to the  
 28 child welfare system under chapter 39, ~~chapter 415~~, or this  
 29 chapter who demonstrate outstanding work in these areas.  
 30  
 31

1           Section 129. Subsection (8) and paragraph (c) of  
2 subsection (9) of section 409.176, Florida Statutes, are  
3 amended to read:

4           409.176 Registration of residential child-caring  
5 agencies and family foster homes.--

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

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

12          (c) Violates the provisions of chapter 39 ~~415~~ or  
13 chapter 827 regarding child abuse, abandonment, and neglect or  
14 the provisions of s. 409.175 or chapter 435 regarding  
15 screening.

16  
17 The qualified association shall notify the department within  
18 10 days of the suspension or revocation of the registration of  
19 any Type II facility registered under this section.

20          Section 130. Paragraph (b) of subsection (10) of  
21 section 409.2554, Florida Statutes, is amended to read:

22          409.2554 Definitions.--As used in ss.  
23 409.2551-409.2598, the term:

24          (10) "Support" means:

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

28          Section 131. Section 409.2577, Florida Statutes, is  
29 amended to read:

30          409.2577 Parent locator service.--The department shall  
31 establish a parent locator service to assist in locating

1 parents who have deserted their children and other persons  
2 liable for support of dependent children. The department  
3 shall use all sources of information available, including the  
4 Federal Parent Locator Service, and may request and shall  
5 receive information from the records of any person or the  
6 state or any of its political subdivisions or any officer  
7 thereof. Any agency as defined in s. 120.52, any political  
8 subdivision, and any other person shall, upon request, provide  
9 the department any information relating to location, salary,  
10 insurance, social security, income tax, and employment history  
11 necessary to locate parents who owe or potentially owe a duty  
12 of support pursuant to Title IV-D of the Social Security Act.  
13 This provision shall expressly take precedence over any other  
14 statutory nondisclosure provision which limits the ability of  
15 an agency to disclose such information, except that law  
16 enforcement information as provided in s. 119.07(3)(i) is not  
17 required to be disclosed, and except that confidential  
18 taxpayer information possessed by the Department of Revenue  
19 shall be disclosed only to the extent authorized in s.  
20 213.053(15). Nothing in this section requires the disclosure  
21 of information if such disclosure is prohibited by federal  
22 law. Information gathered or used by the parent locator  
23 service is confidential and exempt from the provisions of s.  
24 119.07(1). Additionally, the department is authorized to  
25 collect any additional information directly bearing on the  
26 identity and whereabouts of a person owing or asserted to be  
27 owing an obligation of support for a dependent child.  
28 Information gathered or used by the parent locator service is  
29 confidential and exempt from the provisions of s. 119.07(1).  
30 The department may make such information available only to  
31 public officials and agencies of this state; political

1 subdivisions of this state; the custodial parent, legal  
2 guardian, attorney, or agent of the child; and other states  
3 seeking to locate parents who have deserted their children and  
4 other persons liable for support of dependents, for the sole  
5 purpose of establishing, modifying, or enforcing their  
6 liability for support, and shall make such information  
7 available to the Department of Children and Family Services  
8 for the purpose of diligent search activities pursuant to  
9 chapter 39. If the department has reasonable evidence of  
10 domestic violence or child abuse and the disclosure of  
11 information could be harmful to the custodial parent or the  
12 child of such parent, the child support program director or  
13 designee shall notify the Department of Children and Family  
14 Services and the Secretary of the United States Department of  
15 Health and Human Services of this evidence. Such evidence is  
16 sufficient grounds for the department to disapprove an  
17 application for location services.

18 Section 132. Subsection (29) of section 409.912,  
19 Florida Statutes, is amended to read:

20 409.912 Cost-effective purchasing of health care.--The  
21 agency shall purchase goods and services for Medicaid  
22 recipients in the most cost-effective manner consistent with  
23 the delivery of quality medical care. The agency shall  
24 maximize the use of prepaid per capita and prepaid aggregate  
25 fixed-sum basis services when appropriate and other  
26 alternative service delivery and reimbursement methodologies,  
27 including competitive bidding pursuant to s. 287.057, designed  
28 to facilitate the cost-effective purchase of a case-managed  
29 continuum of care. The agency shall also require providers to  
30 minimize the exposure of recipients to the need for acute  
31



1 inpatient, custodial, and other institutional care and the  
2 inappropriate or unnecessary use of high-cost services.

3 (29) Each managed care plan that is under contract  
4 with the agency to provide health care services to Medicaid  
5 recipients shall annually conduct a background check with the  
6 Florida Department of Law Enforcement of all persons with  
7 ownership interest of 5 percent or more or executive  
8 management responsibility for the managed care plan and shall  
9 submit to the agency information concerning any such person  
10 who has been found guilty of, regardless of adjudication, or  
11 has entered a plea of nolo contendere or guilty to, any of the  
12 offenses listed in s. 435.03 or has a confirmed report of  
13 abuse, neglect, or exploitation pursuant to ~~part I of~~ chapter  
14 415.

15 Section 133. Paragraph (a) of subsection (1) of  
16 section 409.9126, Florida Statutes, is amended to read:

17 409.9126 Children with special health care needs.--

18 (1) As used in this section:

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

23 Section 134. Paragraph (f) of subsection (5) of  
24 section 414.065, Florida Statutes, is amended to read:

25 414.065 Work requirements.--

26 (5) CONTINUATION OF TEMPORARY CASH ASSISTANCE FOR  
27 CHILDREN; PROTECTIVE PAYEES.--

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

1           Section 135. Section 435.045, Florida Statutes, is  
2 created to read:

3           435.045 Requirements for prospective foster or  
4 adoptive parents.--

5           (1) Unless an election provided for in subsection (2)  
6 is made with respect to the state, the department shall  
7 conduct criminal records checks equivalent to the level 2  
8 screening required in s. 435.04(1) for any prospective foster  
9 or adoptive parent before the foster or adoptive parent may be  
10 finally approved for placement of a child on whose behalf  
11 foster care maintenance payments or adoption assistance  
12 payments under s. 471 of the Social Security Act, 42 U.S.C.  
13 671, are to be made. Approval shall not be granted:

14           (a) In any case in which a record check reveals a  
15 felony conviction for child abuse, abandonment, or neglect;  
16 for spousal abuse; for a crime against children, including  
17 child pornography, or for a crime involving violence,  
18 including rape, sexual assault, or homicide but not including  
19 other physical assault or battery, if the department finds  
20 that a court of competent jurisdiction has determined that the  
21 felony was committed at any time; and

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

27           (2) For purposes of this section, and ss. 39.401(3)  
28 and 39.508(9)(b) and (10)(a), the department and its  
29 authorized agents or contract providers are hereby designated  
30 a criminal justice agency for the purposes of accessing  
31 criminal justice information, including National Crime

1 Information Center information, to be used for enforcing  
2 Florida's laws concerning the crimes of child abuse,  
3 abandonment, and neglect. This information shall be used  
4 solely for purposes supporting the detection, apprehension,  
5 prosecution, pretrial release, posttrial release, or  
6 rehabilitation of criminal offenders or persons accused of the  
7 crimes of child abuse, abandonment, or neglect and shall not  
8 be further disseminated or used for any other purposes.

9 (3) Subsection (2) shall not apply if the Governor has  
10 notified the Secretary of the United States Department of  
11 Health and Human Services in writing that the state has  
12 elected to make subsection (2) inapplicable to the state, or  
13 if the Legislature, by law, has elected to make subsection (2)  
14 inapplicable to the state.

15 Section 136. Section 447.401, Florida Statutes, is  
16 amended to read:

17 447.401 Grievance procedures.--Each public employer  
18 and bargaining agent shall negotiate a grievance procedure to  
19 be used for the settlement of disputes between employer and  
20 employee, or group of employees, involving the interpretation  
21 or application of a collective bargaining agreement. Such  
22 grievance procedure shall have as its terminal step a final  
23 and binding disposition by an impartial neutral, mutually  
24 selected by the parties; however, when the issue under appeal  
25 is an allegation of abuse, abandonment, or neglect by an  
26 employee under s. 39.201 or s. 415.1075 ~~or s. 415.504~~, the  
27 grievance may not be decided until the abuse, abandonment, or  
28 neglect of a child has been judicially determined or until a  
29 confirmed report of abuse or neglect of a disabled adult or  
30 elderly person has been upheld pursuant to the procedures for  
31 appeal in ~~s. ss-415.1075 and 415.504~~. However, an arbiter or

1 other neutral shall not have the power to add to, subtract  
2 from, modify, or alter the terms of a collective bargaining  
3 agreement. If an employee organization is certified as the  
4 bargaining agent of a unit, the grievance procedure then in  
5 existence may be the subject of collective bargaining, and any  
6 agreement which is reached shall supersede the previously  
7 existing procedure. All public employees shall have the right  
8 to a fair and equitable grievance procedure administered  
9 without regard to membership or nonmembership in any  
10 organization, except that certified employee organizations  
11 shall not be required to process grievances for employees who  
12 are not members of the organization. A career service  
13 employee shall have the option of utilizing the civil service  
14 appeal procedure, an unfair labor practice procedure, or a  
15 grievance procedure established under this section, but such  
16 employee is precluded from availing himself or herself to more  
17 than one of these procedures.

18 Section 137. Paragraph (d) of subsection (1) of  
19 section 464.018, Florida Statutes, is amended to read:

20 464.018 Disciplinary actions.--

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

23 (d) Being found guilty, regardless of adjudication, of  
24 any of the following offenses:

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

26 2. A violation of chapter 812, relating to theft,  
27 robbery, and related crimes.

28 3. A violation of chapter 817, relating to fraudulent  
29 practices.

30 4. A violation of chapter 800, relating to lewdness  
31 and indecent exposure.

1           5. A violation of chapter 784, relating to assault,  
2 battery, and culpable negligence.

3           6. A violation of chapter 827, relating to child  
4 abuse.

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

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

9           Section 138. Paragraph (a) of subsection (2) of  
10 section 490.014, Florida Statutes, is amended to read:

11           490.014 Exemptions.--

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

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

26           Section 139. Paragraph (a) of subsection (4) of  
27 section 491.014, Florida Statutes, is amended to read:

28           491.014 Exemptions.--

29           (4) No person shall be required to be licensed,  
30 provisionally licensed, registered, or certified under this  
31 chapter who:

1 (a) Is a salaried employee of a government agency;  
2 developmental services program, mental health, alcohol, or  
3 drug abuse facility operating pursuant to chapter 393, chapter  
4 394, or chapter 397; subsidized child care program, subsidized  
5 child care case management program, or child care resource and  
6 referral program operating pursuant to chapter 402;  
7 child-placing or child-caring agency licensed pursuant to  
8 chapter 409; domestic violence center certified pursuant to  
9 chapter 39 ~~415~~; accredited academic institution; or research  
10 institution, if such employee is performing duties for which  
11 he or she was trained and hired solely within the confines of  
12 such agency, facility, or institution.

13 Section 140. Paragraph (b) of subsection (3) of  
14 section 741.30, Florida Statutes, is amended to read:

15 741.30 Domestic violence; injunction; powers and  
16 duties of court and clerk; petition; notice and hearing;  
17 temporary injunction; issuance of injunction; statewide  
18 verification system; enforcement.--

19 (3)

20 (b) The sworn petition shall be in substantially the  
21 following form:

22

23 PETITION FOR  
24 INJUNCTION FOR PROTECTION  
25 AGAINST DOMESTIC VIOLENCE

26

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

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

31

1 (Petitioner may furnish address to the court in a  
2 separate confidential filing if, for safety reasons, the  
3 petitioner requires the location of the current residence to  
4 be confidential.)

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

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

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

9 Race....

10 Sex....

11 Date of birth....

12 Height....

13 Weight....

14 Eye color....

15 Hair color....

16 Distinguishing marks or scars....

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

18 (f) Respondent is the spouse or former spouse of the  
19 petitioner or is any other person related by blood or marriage  
20 to the petitioner or is any other person who is or was  
21 residing within a single dwelling unit with the petitioner, as  
22 if a family, or is a person with whom the petitioner has a  
23 child in common, regardless of whether the petitioner and  
24 respondent are or were married or residing together, as if a  
25 family.

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

28 .....

29 The petitioner should also describe any previous or  
30 pending attempts by the petitioner to obtain an injunction for

31

1 protection against domestic violence in this or any other  
2 circuit, and the results of that attempt.....  
3 .....  
4 Case numbers should be included if available.  
5 (h) Petitioner has suffered or has reasonable cause to  
6 fear imminent domestic violence because respondent has: .....  
7 (i) Petitioner alleges the following additional  
8 specific facts: (mark appropriate sections)  
9 ....Petitioner is the custodian of a minor child or  
10 children whose names and ages are as follows: .....  
11 ....Petitioner needs the exclusive use and possession  
12 of the dwelling that the parties share.  
13 ....Petitioner is unable to obtain safe alternative  
14 housing because: .....  
15 ....Petitioner genuinely fears that respondent  
16 imminently will abuse, remove, or hide the minor child or  
17 children from petitioner because: .....  
18 .....  
19 (j) Petitioner genuinely fears imminent domestic  
20 violence by respondent.  
21 (k) Petitioner seeks an injunction: (mark appropriate  
22 section or sections)  
23 ....Immediately restraining the respondent from  
24 committing any acts of domestic violence.  
25 ....Restraining the respondent from committing any acts  
26 of domestic violence.  
27 ....Awarding to the petitioner the temporary exclusive  
28 use and possession of the dwelling that the parties share or  
29 excluding the respondent from the residence of the petitioner.  
30 ....Awarding temporary custody of, or temporary  
31 visitation rights with regard to, the minor child or children



1 of the parties, or prohibiting or limiting visitation to that  
2 which is supervised by a third party.

3       ....Establishing temporary support for the minor child  
4 or children or the petitioner.

5       ....Directing the respondent to participate in a  
6 batterers' intervention program or other treatment pursuant to  
7 s. 39.901 ~~415.601~~.

8       ....Providing any terms the court deems necessary for  
9 the protection of a victim of domestic violence, or any minor  
10 children of the victim, including any injunctions or  
11 directives to law enforcement agencies.

12       Section 141. Subsection (3) of section 744.309,  
13 Florida Statutes, is amended to read:

14       744.309 Who may be appointed guardian of a resident  
15 ward.--

16       (3) DISQUALIFIED PERSONS.--No person who has been  
17 convicted of a felony or who, from any incapacity or illness,  
18 is incapable of discharging the duties of a guardian, or who  
19 is otherwise unsuitable to perform the duties of a guardian,  
20 shall be appointed to act as guardian. Further, no person who  
21 has been judicially determined to have committed abuse,  
22 abandonment, or neglect against a child as defined in s.  
23 ~~39.01(2) and (47)~~, or who has a confirmed report of abuse,  
24 neglect, or exploitation which has been uncontested or upheld  
25 pursuant to the provisions of ss. 415.104 and 415.1075 shall  
26 be appointed to act as a guardian. Except as provided in  
27 subsection (5) or subsection (6), a person who provides  
28 substantial services to the proposed ward in a professional or  
29 business capacity, or a creditor of the proposed ward, may not  
30 be appointed guardian and retain that previous professional or  
31 business relationship. A person may not be appointed a

1 guardian if he or she is in the employ of any person, agency,  
2 government, or corporation that provides service to the  
3 proposed ward in a professional or business capacity, except  
4 that a person so employed may be appointed if he or she is the  
5 spouse, adult child, parent, or sibling of the proposed ward  
6 or the court determines that the potential conflict of  
7 interest is insubstantial and that the appointment would  
8 clearly be in the proposed ward's best interest. The court  
9 may not appoint a guardian in any other circumstance in which  
10 a conflict of interest may occur.

11 Section 142. Section 784.075, Florida Statutes, is  
12 amended to read:

13 784.075 Battery on detention or commitment facility  
14 staff.--A person who commits a battery on an intake counselor  
15 or case manager, as defined in s. 984.03(31)~~39.01(34)~~, on  
16 other staff of a detention center or facility as defined in s.  
17 984.03(19)~~39.01(23)~~, or on a staff member of a commitment  
18 facility as defined in s. 985.03(45)~~39.01(59)(c), (d), or~~  
19 ~~(e)~~, commits a felony of the third degree, punishable as  
20 provided in s. 775.082, s. 775.083, or s. 775.084. For  
21 purposes of this section, a staff member of the facilities  
22 listed includes persons employed by the Department of Juvenile  
23 Justice, persons employed at facilities licensed by the  
24 Department of Juvenile Justice, and persons employed at  
25 facilities operated under a contract with the Department of  
26 Juvenile Justice.

27 Section 143. Section 933.18, Florida Statutes, is  
28 amended to read:

29 933.18 When warrant may be issued for search of  
30 private dwelling.--No search warrant shall issue under this  
31

1 chapter or under any other law of this state to search any  
2 private dwelling occupied as such unless:  
3 (1) It is being used for the unlawful sale,  
4 possession, or manufacture of intoxicating liquor;  
5 (2) Stolen or embezzled property is contained therein;  
6 (3) It is being used to carry on gambling;  
7 (4) It is being used to perpetrate frauds and  
8 swindles;  
9 (5) The law relating to narcotics or drug abuse is  
10 being violated therein;  
11 (6) A weapon, instrumentality, or means by which a  
12 felony has been committed, or evidence relevant to proving  
13 said felony has been committed, is contained therein;  
14 (7) One or more of the following misdemeanor child  
15 abuse offenses is being committed there:  
16 (a) Interference with custody, in violation of s.  
17 787.03.  
18 (b) Commission of an unnatural and lascivious act with  
19 a child, in violation of s. 800.02.  
20 (c) Exposure of sexual organs to a child, in violation  
21 of s. 800.03.  
22 (8) It is in part used for some business purpose such  
23 as a store, shop, saloon, restaurant, hotel, or boardinghouse,  
24 or lodginghouse;  
25 (9) It is being used for the unlawful sale,  
26 possession, or purchase of wildlife, saltwater products, or  
27 freshwater fish being unlawfully kept therein; or  
28 (10) The laws in relation to cruelty to animals have  
29 been or are being violated therein, except that no search  
30 pursuant to such a warrant shall be made in any private  
31 dwelling after sunset and before sunrise unless specially

1 authorized by the judge issuing the warrant, upon a showing of  
2 probable cause. Property relating to the violation of such  
3 laws may be taken on a warrant so issued from any private  
4 dwelling in which it is concealed or from the possession of  
5 any person therein by whom it shall have been used in the  
6 commission of such offense or from any person therein in whose  
7 possession it may be.

8  
9 If, during a search pursuant to a warrant issued under this  
10 section, a child is discovered and appears to be in imminent  
11 danger, the law enforcement officer conducting such search may  
12 remove the child from the private dwelling and take the child  
13 into protective custody pursuant to chapter 39 ~~s. 415.506~~.

14 The term "private dwelling" shall be construed to include the  
15 room or rooms used and occupied, not transiently but solely as  
16 a residence, in an apartment house, hotel, boardinghouse, or  
17 lodginghouse. No warrant shall be issued for the search of  
18 any private dwelling under any of the conditions hereinabove  
19 mentioned except on sworn proof by affidavit of some  
20 creditable witness that he or she has reason to believe that  
21 one of said conditions exists, which affidavit shall set forth  
22 the facts on which such reason for belief is based.

23 Section 144. Subsection (10) of section 943.045,  
24 Florida Statutes, is amended to read:

25 943.045 Definitions; ss. 943.045-943.08.--The  
26 following words and phrases as used in ss. 943.045-943.08  
27 shall have the following meanings:

28 (10) "Criminal justice agency" means:

29 (a) A court.

30 (b) The department.

31 (c) The Department of Juvenile Justice.

1           (d) The Department of Children and Families'  
2 Protective Investigations, which investigates the crimes of  
3 abuse and neglect.

4           ~~(e)(d)~~ Any other governmental agency or subunit  
5 thereof which performs the administration of criminal justice  
6 pursuant to a statute or rule of court and which allocates a  
7 substantial part of its annual budget to the administration of  
8 criminal justice.

9           Section 145. Section 944.401, Florida Statutes, is  
10 amended to read:

11           944.401 Escapes from secure detention or residential  
12 commitment facility.--An escape from any secure detention  
13 facility maintained for the temporary detention of children,  
14 pending adjudication, disposition, or placement; an escape  
15 from any residential commitment facility defined in s.  
16 985.03(45)39-01(59), maintained for the custody, treatment,  
17 punishment, or rehabilitation of children found to have  
18 committed delinquent acts or violations of law; or an escape  
19 from lawful transportation thereto or therefrom constitutes  
20 escape within the intent and meaning of s. 944.40 and is a  
21 felony of the third degree, punishable as provided in s.  
22 775.082, s. 775.083, or s. 775.084.

23           Section 146. Subsection (3) of section 944.705,  
24 Florida Statutes, is amended to read:

25           944.705 Release orientation program.--

26           (3) Any inmate who claims to be a victim of domestic  
27 violence as defined in s. 741.28 shall receive, as part of the  
28 release orientation program, referral to the nearest domestic  
29 violence center certified under chapter 39 ~~ss.~~  
30 ~~415.601-415.608.~~

31

1           Section 147. Subsections (2) and (41) of section  
2 984.03, Florida Statutes, as amended by chapter 97-276, Laws  
3 of Florida, are amended to read:

4           984.03 Definitions.--When used in this chapter, the  
5 term:

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

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

22           Section 148. Subsection (4) of section 984.10, Florida  
23 Statutes, is amended to read:

24           984.10 Intake.--

25           (4) If the department has reasonable grounds to  
26 believe that the child has been abandoned, abused, or  
27 neglected, it shall proceed pursuant to the provisions of ~~s.~~  
28 ~~415.505~~ and chapter 39.

29           Section 149. Paragraphs (a) and (c) of subsection (3)  
30 of section 984.15, Florida Statutes, are amended to read:

31           984.15 Petition for a child in need of services.--

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

4           1. The department waives the requirement for a case  
5 staffing committee.

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

10          3. The parent, guardian, or legal custodian does not  
11 agree with the plan for services offered by the case staffing  
12 committee.

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

16          (c) The petition must be in writing and must set forth  
17 specific facts alleging that the child is a child in need of  
18 services as defined in s. 984.03(9)~~39.01~~. The petition must  
19 also demonstrate that the parent, guardian, or legal custodian  
20 has in good faith, but unsuccessfully, participated in the  
21 services and processes described in ss. 984.11 and 984.12  
22 ~~39.424 and 39.426~~.

23          Section 150. Section 984.24, Florida Statutes, is  
24 amended to read:

25          984.24 Appeal.--The state, any child, or the family,  
26 guardian ad litem, or legal custodian of any child who is  
27 affected by an order of the court pursuant to this chapter  
28 ~~part~~ may appeal to the appropriate district court of appeal  
29 within the time and in the manner prescribed by the Florida  
30 Rules of Appellate Procedure ~~and pursuant to s. 39.413~~.

31

1           Section 151. Subsection (42) of section 985.03,  
2 Florida Statutes, as amended by chapter 97-276, Laws of  
3 Florida, is amended to read:

4           985.03 Definitions.--When used in this chapter, the  
5 term:

6           (42) "Parent" means a woman who gives birth to a child  
7 and a man whose consent to the adoption of the child would be  
8 required under s. 63.062(1)(b). If a child has been legally  
9 adopted, the term "parent" means the adoptive mother or father  
10 of the child. The term does not include an individual whose  
11 parental relationship to the child has been legally  
12 terminated, or an alleged or prospective parent, unless the  
13 parental status falls within the terms of either s. 39.503  
14 ~~39.4051(7)~~ or s. 63.062(1)(b).

15           Section 152. Paragraph (c) of subsection (4) of  
16 section 985.303, Florida Statutes, is amended to read:

17           985.303 Neighborhood restorative justice.--

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

19           (c) The board shall require the parent or legal  
20 guardian of the juvenile who is referred to a Neighborhood  
21 Restorative Justice Center to appear with the juvenile before  
22 the board at the time set by the board. In scheduling board  
23 meetings, the board shall be cognizant of a parent's or legal  
24 guardian's other obligations. The failure of a parent or  
25 legal guardian to appear at the scheduled board meeting with  
26 his or her child or ward may be considered by the juvenile  
27 court as an act of child neglect as defined by s. 39.01  
28 ~~415.503(3)~~, and the board may refer the matter to the  
29 Department of Children and Family Services for investigation  
30 under the provisions of chapter 39 ~~415~~.

31



1           Section 153. There is hereby appropriated to the  
2 Department of Children and Families in a Lump Sum, \$11,000,000  
3 from the Federal Grants Trust Fund to implement the  
4 Relative-Caregiver Program. The source of funding shall be  
5 the Temporary Assistance to Needy Families Block Grant. Any  
6 expenditures from the Temporary Assistance for Needy Families  
7 block grant shall be expended in accordance with the  
8 requirements and limitations of part A of Title IV of the  
9 Social Security Act, as amended or any other applicable  
10 federal requirement or limitation.

11           Section 154. There is hereby appropriated to the  
12 Justice Administration Commission \$3,500,000 from the General  
13 Revenue Fund for the purpose of implementing Sections 8, 41,  
14 and 72 of this act.

15           Section 155. 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 156. Except as otherwise provided herein, this  
22 act shall take effect October 1 of the year in which enacted.  
23  
24  
25  
26  
27  
28  
29  
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31