

Bill No. HB 2125, 2nd Eng.

Amendment No.     

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
.  
.  
.  
.  
.

Senator Mitchell moved the following amendment:

**Senate Amendment (with title amendment)**

On page 48, lines 15 through 24, delete those lines

and insert:

Section 14. Subsection (31) of section 39.01, Florida Statutes, is repealed, subsection (25) of that section is amended, present subsections (32) through (41) and (43) through (72) of that section are redesignated as subsections (32) through (40) and (42) through (71), respectively, present subsection (42) of that section is redesignated as subsection (41) and amended, and a new subsection (72) is added to that section, to read:

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

(25) "District administrator" means the chief operating officer of each service district of the department as defined in s. 20.19(5)~~(7)~~and, where appropriate, includes any district administrator whose service district falls within the boundaries of a judicial circuit.

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1            ~~(41)(42)~~ "Long-term custody" or "long-term custodial  
2 relationship" means the relationship that a juvenile court  
3 order creates between a child and an adult relative of the  
4 child or other legal custodian approved by the court when the  
5 child cannot be placed in the custody of a parent and adoption  
6 ~~termination of parental rights~~ is not deemed to be in the best  
7 interest of the child. Long-term custody confers upon the  
8 relative or other legal custodian, other than the department,  
9 the right to physical custody of the child, a right which will  
10 not be disturbed by the court except upon request of the legal  
11 custodian or upon a showing that the best interest of the  
12 child necessitates a change of custody for the child. A  
13 relative or other legal custodian who has been designated as a  
14 long-term custodian shall have all of the rights and duties of  
15 a parent, including, but not limited to, 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 long-term custodial relationship.

21            (72) "Long-term licensed custody" means the  
22 relationship that a juvenile court order creates between a  
23 child and a placement licensed by the state to provide  
24 residential care for dependent children, if the licensed  
25 placement is willing and able to continue to care for the  
26 child until the child reaches the age of majority.

27            Section 15. Present subsection (10) of section 39.013,  
28 Florida Statutes, is amended, present subsections (4) through  
29 (10) are renumbered as subsections (5) through (11),  
30 respectively, and a new subsection (4) is added to that  
31 section, to read:

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1           39.013 Procedures and jurisdiction; right to  
2 counsel.--

3           (4) The order of the circuit court hearing dependency  
4 matters shall be filed by the clerk of the court in any  
5 dissolution or other custody action or proceeding and shall  
6 take precedence over other custody and visitation orders  
7 entered in those actions.

8           ~~(11)(10)~~ Court-appointed counsel representing indigent  
9 parents ~~or legal guardians~~ at shelter hearings shall be paid  
10 from state funds appropriated by general law.

11           Section 16. Subsections (2) and (3), paragraph (a) of  
12 subsection (4), and paragraphs (b) and (d) of subsection (6)  
13 of section 39.0132, Florida Statutes, are amended to read:

14           39.0132 Oaths, records, and confidential  
15 information.--

16           (2) The court shall make and keep records of all cases  
17 brought before it pursuant to this chapter and shall preserve  
18 the records pertaining to a dependent child until 7 years  
19 after the last entry was made, or until the child is 18 years  
20 of age, whichever date is first reached, and may then destroy  
21 them, except that records of cases where orders were entered  
22 permanently depriving a parent of the custody of a juvenile  
23 shall be preserved permanently. The court shall make official  
24 records, consisting of all petitions and orders filed in a  
25 case arising pursuant to this chapter part and any other  
26 pleadings, certificates, proofs of publication, summonses,  
27 warrants, and other writs which may be filed therein.

28           (3) The clerk shall keep all court records required by  
29 this chapter part separate from other records of the circuit  
30 court. All court records required by this chapter part shall  
31 not be open to inspection by the public. All records shall be

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 inspected only upon order of the court by persons deemed by  
2 the court to have a proper interest therein, except that,  
3 subject to the provisions of s. 63.162, a child and the  
4 parents of the child and their attorneys, guardian ad litem,  
5 law enforcement agencies, and the department and its designees  
6 shall always have the right to inspect and copy any official  
7 record pertaining to the child. The court may permit  
8 authorized representatives of recognized organizations  
9 compiling statistics for proper purposes to inspect and make  
10 abstracts from official records, under whatever conditions  
11 upon their use and disposition the court may deem proper, and  
12 may punish by contempt proceedings any violation of those  
13 conditions.

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

24 (6) No court record of proceedings under this chapter  
25 shall be admissible in evidence in any other civil or criminal  
26 proceeding, except that:

27 (b) Records of proceedings under this chapter part  
28 forming a part of the record on appeal shall be used in the  
29 appellate court in the manner hereinafter provided.

30 (d) Records of proceedings under this chapter part may  
31 be used to prove disqualification pursuant to s. 435.06 and

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 for proof regarding such disqualification in a chapter 120  
2 proceeding.

3 Section 17. Paragraph (e) of subsection (2) of section  
4 39.202, Florida Statutes, is amended to read:

5 39.202 Confidentiality of reports and records in cases  
6 of child abuse or neglect.--

7 (2) Access to such records, excluding the name of the  
8 reporter which shall be released only as provided in  
9 subsection (4), shall be granted only to the following  
10 persons, officials, and agencies:

11 (e) Any person alleged in the report as having caused  
12 the abuse, abandonment, or neglect of a child. This access  
13 shall be made available no later than 30 days after the  
14 department receives the initial report of abuse, abandonment,  
15 or neglect and, when the alleged perpetrator is not a parent,  
16 shall be limited to information involving the protective  
17 investigation only and shall not include any information  
18 relating to subsequent dependency proceedings. However, any  
19 information otherwise made confidential or exempt by law shall  
20 not be released pursuant to this paragraph.

21 Section 18. Paragraph (c) of subsection (8) of section  
22 39.402, Florida Statutes, is amended to read:

23 39.402 Placement in a shelter.--

24 (8)

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

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

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

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

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

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

5 Section 19. Subsection (18) of section 39.502, Florida  
6 Statutes, is amended to read:

7 39.502 Notice, process, and service.--

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

14 Section 20. Subsection (5) of section 39.503, Florida  
15 Statutes, is amended to read:

16 39.503 Identity or location of parent unknown; special  
17 procedures.--

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

26 Section 21. (1) Present part VII of chapter 39,  
27 Florida Statutes, is redesignated as part VIII, and a new part  
28 VII, is created, consisting of section 39.521, Florida  
29 Statutes, entitled "Disposition; Postdisposition Change of  
30 Custody."

31 (2) Present parts VIII through XI of chapter 39,

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 Florida Statutes, are redesignated as parts X through XIII,  
 2 respectively, and a new part IX is created, consisting of  
 3 sections 39.621, 39.622, 39.623, and 39.624, Florida Statutes,  
 4 entitled "Permanency."

5 Section 22. Section 39.508, Florida Statutes, is  
 6 renumbered as section 39.521, Florida Statutes, and amended to  
 7 read:

8 39.521 ~~39.508~~ Disposition hearings; powers of  
 9 disposition.--

10 (1) A ~~At the~~ disposition hearing shall be conducted by  
 11 the court, if the court finds that the facts alleged in the  
 12 petition for dependency were proven in the adjudicatory  
 13 hearing, or if the parents or legal custodians have consented  
 14 to the finding of dependency or admitted the allegations in  
 15 the petition, have failed to appear for the arraignment  
 16 hearing after proper notice, or have not been located despite  
 17 a diligent search having been conducted.

18 ~~(a) A written, the court shall receive and consider a~~  
 19 ~~case plan and a predisposition study prepared, which must be~~  
 20 ~~in writing and presented~~ by an authorized agent of the  
 21 department must be filed with the court and served upon the  
 22 parents of the child, provided to the representative of the  
 23 guardian ad litem program, if the program has been appointed,  
 24 and provided to all other parties, not less than 72 hours  
 25 before the disposition hearing. All such case plans must be  
 26 approved by the court. If the court does not approve the case  
 27 plan at the disposition hearing, the court must set a hearing  
 28 within 30 days after the disposition hearing to review and  
 29 approve the case plan.

30 (b) When any child is adjudicated by a court to be  
 31 dependent, the court having jurisdiction of the child has the

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 power by order to:

2 1. Require the parent and, when appropriate, the legal  
3 custodian and the child, to participate in treatment and  
4 services identified as necessary.

5 2. Require, if the court deems necessary, the parties  
6 to participate in dependency mediation.

7 3. Require placement of the child either under the  
8 protective supervision of an authorized agent of the  
9 department in the home of one or both of the child's parents  
10 or in the home of a relative of the child or another adult  
11 approved by the court, or in the custody of the department.

12 Protective supervision continues until the court terminates it  
13 or until the child reaches the age of 18, whichever date is  
14 first. Protective supervision shall be terminated by the court  
15 whenever the court determines that permanency has been  
16 achieved for the child, whether with a parent, another  
17 relative, or a legal custodian, and that protective  
18 supervision is no longer needed. The termination of  
19 supervision may be with or without retaining jurisdiction, at  
20 the court's discretion, and shall in either case be considered  
21 a permanency option for the child. The order terminating  
22 supervision by the department shall set forth the powers of  
23 the custodian of the child and shall include the powers  
24 ordinarily granted to a guardian of the person of a minor  
25 unless otherwise specified. Upon the court's termination of  
26 supervision by the department, no further judicial reviews are  
27 required, so long as permanency has been established for the  
28 child.

29 (c) At the conclusion of the disposition hearing, the  
30 court shall schedule the initial judicial review hearing which  
31 must be held no later than 90 days after the date of the



Bill No. HB 2125, 2nd Eng.

Amendment No.     

1 disposition hearing or after the date of the hearing at which  
2 the court approves the case plan, whichever occurs earlier,  
3 but in no event shall the review hearing be held later than 6  
4 months after the date of the child's removal from the home.

5 (d) The court shall, in its written order of  
6 disposition, include all of the following:

- 7 1. The placement or custody of the child.
- 8 2. Special conditions of placement and visitation.
- 9 3. Evaluation, counseling, treatment activities, and  
10 other actions to be taken by the parties, if ordered.

11 4. The persons or entities responsible for supervising  
12 or monitoring services to the child and parent.

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

15 6. The date, time, and location of the next scheduled  
16 review hearing, which must occur within the earlier of:

- 17 a. Ninety days after the disposition hearing;
- 18 b. Ninety days after the court accepts the case plan;
- 19 c. Six months after the date of the last review

20 hearing; or

21 d. Six months after the date of the child's removal  
22 from his or her home, if no review hearing has been held since  
23 the child's removal from the home.

24 7. If the child is in an out-of-home placement, child  
25 support to be paid by the parents, or the guardian of the  
26 child's estate if possessed of assets which under law may be  
27 disbursed for the care, support, and maintenance of the child.

28 The court may exercise jurisdiction over all child support  
29 matters, shall adjudicate the financial obligation, including  
30 health insurance, of the child's parents or guardian, and  
31 shall enforce the financial obligation as provided in chapter

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 61. The state's child support enforcement agency shall enforce  
2 child support orders under this section in the same manner as  
3 child support orders under chapter 61. Placement of the child  
4 shall not be contingent upon issuance of a support order.

5 8.a. If the court does not commit the child to the  
6 temporary legal custody of an adult relative, legal custodian,  
7 or other adult approved by the court, the disposition order  
8 shall include the reasons for such a decision and shall  
9 include a determination as to whether diligent efforts were  
10 made by the department to locate an adult relative, legal  
11 custodian, or other adult willing to care for the child in  
12 order to present that placement option to the court instead of  
13 placement with the department.

14 b. If diligent efforts are made to locate an adult  
15 relative willing and able to care for the child but, because  
16 no suitable relative is found, the child is placed with the  
17 department or a legal custodian or other adult approved by the  
18 court, both the department and the court shall consider  
19 transferring temporary legal custody to an adult relative  
20 approved by the court at a later date, but neither the  
21 department nor the court is obligated to so place the child if  
22 it is in the child's best interest to remain in the current  
23 placement.

24  
25 For the purposes of this subparagraph, "diligent efforts to  
26 locate an adult relative" means a search similar to the  
27 diligent search for a parent, but without the continuing  
28 obligation to search after an initial adequate search is  
29 completed.

30 9. Other requirements necessary to protect the health,  
31 safety, and well-being of the child, to preserve the stability

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 of the child's educational placement, and to promote family  
2 preservation or reunification whenever possible.

3 (e) If the court finds that the prevention or  
4 reunification efforts of the department will allow the child  
5 to remain safely at home or be safely returned to the home,  
6 the court shall allow the child to remain in or return to the  
7 home after making a specific finding of fact that the reasons  
8 for removal have been remedied to the extent that the child's  
9 safety, well-being, and physical, mental, and emotional health  
10 will not be endangered.

11 (f) If the court places the child in an out-of-home  
12 placement, the disposition order must include a written  
13 determination that the child cannot safely remain at home with  
14 reunification or family preservation services and that removal  
15 of the child is necessary to protect the child. If the child  
16 has been removed before the disposition hearing, the order  
17 must also include a written determination as to whether, after  
18 removal, the department has made a reasonable effort to  
19 reunify the parent and child, if reasonable efforts are  
20 required. Reasonable efforts to reunify are not required if  
21 the court has found that any of the acts listed in s.  
22 39.806(1)(f)-(i) have occurred. The department has the burden  
23 of demonstrating that it has made reasonable efforts under  
24 this paragraph.

25 1. For the purposes of this paragraph, the term  
26 "reasonable effort" means the exercise of reasonable diligence  
27 and care by the department to provide the services ordered by  
28 the court or delineated in the case plan.

29 2. In support of its determination as to whether  
30 reasonable efforts have been made, the court shall:

31 a. Enter written findings as to whether or not

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 prevention or reunification efforts were indicated.

2 b. If prevention or reunification efforts were  
3 indicated, include a brief written description of what  
4 appropriate and available prevention and reunification efforts  
5 were made.

6 c. Indicate in writing why further efforts could or  
7 could not have prevented or shortened the separation of the  
8 parent and child.

9 3. A court may find that the department has made a  
10 reasonable effort to prevent or eliminate the need for removal  
11 if:

12 a. The first contact of the department with the family  
13 occurs during an emergency;

14 b. The appraisal by the department of the home  
15 situation indicates that it presents a substantial and  
16 immediate danger to the child's safety or physical, mental, or  
17 emotional health which cannot be mitigated by the provision of  
18 preventive services;

19 c. The child cannot safely remain at home, either  
20 because there are no preventive services that can ensure the  
21 health and safety of the child or, even with appropriate and  
22 available services being provided, the health and safety of  
23 the child cannot be ensured; or

24 d. The parent is alleged to have committed any of the  
25 acts listed as grounds for expedited termination of parental  
26 rights in s. 39.806(1)(f)-(i).

27 4. A reasonable effort by the department for  
28 reunification of the parent and child has been made if the  
29 appraisal of the home situation by the department indicates  
30 that the severity of the conditions of dependency is such that  
31 reunification efforts are inappropriate. The department has

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 the burden of demonstrating to the court that reunification  
2 efforts were inappropriate.

3 5. If the court finds that the prevention or  
4 reunification effort of the department would not have  
5 permitted the child to remain safely at home, the court may  
6 commit the child to the temporary legal custody of the  
7 department or take any other action authorized by this  
8 chapter.

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

13 (a) The capacity and disposition of the parents to  
14 provide the child with food, clothing, medical care, or other  
15 remedial care recognized and permitted under the laws of this  
16 state in lieu of medical care, and other material needs.

17 (b) The length of time the child has lived in a  
18 stable, satisfactory environment and the desirability of  
19 maintaining continuity.

20 (c) The mental and physical health of the parents.

21 (d) The home, school, and community record of the  
22 child.

23 (e) The reasonable preference of the child, if the  
24 court deems the child to be of sufficient intelligence,  
25 understanding, and experience to express a preference.

26 (f) Evidence of domestic violence or child abuse.

27 (g) ~~(a)~~ An assessment defining the dangers and risks of  
28 returning the child home, including a description of the  
29 changes in and resolutions to the initial risks.

30 (h) ~~(b)~~ A description of what risks are still present  
31 and what resources are available and will be provided for the

Bill No. HB 2125, 2nd Eng.

Amendment No.     

1 protection and safety of the child.

2 (i)(c) A description of the benefits of returning the  
3 child home.

4 (j)(d) A description of all unresolved issues.

5 (k)(e) A Florida Abuse Hotline Information System  
6 (FAHIS)An abuse registry history and criminal records check  
7 for all caregivers, family members, and individuals residing  
8 within the household from which the child was removed.

9 (l)(f) The complete report and recommendation of the  
10 child protection team of the Department of Health or, if no  
11 report exists, a statement reflecting that no report has been  
12 made.

13 (m)(g) All opinions or recommendations from other  
14 professionals or agencies that provide evaluative, social,  
15 reunification, or other services to the parent and child.

16 (n)(h) A listing ~~The availability~~ of appropriate and  
17 available prevention and reunification services for the parent  
18 and child to prevent the removal of the child from the home or  
19 to reunify the child with the parent after removal, including  
20 the availability of family preservation services and an  
21 explanation of the following:

- 22 1. If the services were or were not provided.
- 23 2. If the services were provided, the outcome of the  
24 services.
- 25 3. If the services were not provided, why they were  
26 not provided.
- 27 4. If the services are currently being provided and if  
28 they need to be continued through the Family Builders Program,  
29 the Intensive Crisis Counseling Program, or both.

30 (o)(i) A listing ~~The inappropriateness~~ of other  
31 prevention and reunification services that were available but

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 determined to be inappropriate and why.

2 ~~(j) The efforts by the department to prevent~~  
3 ~~out-of-home placement of the child or, when applicable, to~~  
4 ~~reunify the parent and child if appropriate services were~~  
5 ~~available, including the application of intensive family~~  
6 ~~preservation services through the Family Builders Program, the~~  
7 ~~Intensive Crisis Counseling Program, or both.~~

8 ~~(k) Whether the services were provided to the parent~~  
9 ~~and child.~~

10 ~~(l) If the services were provided, whether they were~~  
11 ~~sufficient to meet the needs of the child and the parent and~~  
12 ~~to enable the child to remain safely at home or to be returned~~  
13 ~~home.~~

14 ~~(m) If the services were not provided, the reasons for~~  
15 ~~such lack of action.~~

16 ~~(n) The need for, or appropriateness of, continuing~~  
17 ~~the services if the child remains in the custody of the parent~~  
18 ~~or if the child is placed outside the home.~~

19 (p)~~(o)~~ Whether dependency mediation was provided.

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

25 (r)~~(q)~~ If the child has been removed from the home and  
26 will be remaining with a relative or other adult approved by  
27 the court, a home study report concerning the proposed  
28 placement shall be included in the predisposition report.  
29 Prior to recommending to the court any out-of-home placement  
30 for a child other than placement in a licensed shelter or  
31 foster home, the department shall conduct a study of the home

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 of the proposed legal custodians, which must include, at a  
2 minimum:

3 1. An interview with the proposed legal custodians to  
4 assess their ongoing commitment and ability to care for the  
5 child.

6 2. Records checks through the Florida Abuse Hotline  
7 Information System (FAHIS), and local and statewide criminal  
8 and juvenile records checks through the Department of Law  
9 Enforcement, on all household members 12 years of age or older  
10 and any other persons made known to the department who are  
11 frequent visitors in the home. Out-of-state criminal records  
12 checks must be initiated for any individual designated above  
13 who has resided in a state other than Florida provided that  
14 state's laws allow the release of these records. The  
15 out-of-state criminal records must be filed with the court  
16 within 5 days after receipt by the department or its agent.

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

19 4. A determination of the financial security of the  
20 proposed legal custodians.

21 5. A determination of suitable child care arrangements  
22 if the proposed legal custodians are employed outside of the  
23 home.

24 6. Documentation of counseling and information  
25 provided to the proposed legal custodians regarding the  
26 dependency process and possible outcomes.

27 7. Documentation that information regarding support  
28 services available in the community has been provided to the  
29 proposed legal custodians.

30

31 The department shall not place the child or continue the



Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 placement of the child in a home under shelter or  
2 postdisposition placement if the results of the home study are  
3 unfavorable, unless the court finds that this placement is in  
4 the child's best interest.

5 (s)(r) If the child has been removed from the home, a  
6 determination of the amount of child support each parent will  
7 be required to pay pursuant to s. 61.30.

8 (t) If placement of the child with anyone other than  
9 the child's parent is being considered, the predisposition  
10 study shall include the designation of a specific length of  
11 time as to when custody by the parent will be reconsidered.

12

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

20 ~~(3)(a)1. Notwithstanding s. 435.045(1), the department~~  
21 ~~may place a child in a foster home which otherwise meets~~  
22 ~~licensing requirements if state and local criminal records~~  
23 ~~checks do not disqualify the applicant, and the department has~~  
24 ~~submitted fingerprint information to the Florida Department of~~  
25 ~~Law Enforcement for forwarding to the Federal Bureau of~~  
26 ~~Investigation and is awaiting the results of the federal~~  
27 ~~criminal records check.~~

28 ~~2. Prospective and approved foster parents must~~  
29 ~~disclose to the department any prior or pending local, state,~~  
30 ~~or federal criminal proceedings in which they are or have been~~  
31 ~~involved.~~

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1           ~~(b) Prior to recommending to the court any out-of-home~~  
2 ~~placement for a child other than placement in a licensed~~  
3 ~~shelter or foster home, the department shall conduct a study~~  
4 ~~of the home of the proposed legal custodians, which must~~  
5 ~~include, at a minimum:~~

6           ~~1. An interview with the proposed legal custodians to~~  
7 ~~assess their ongoing commitment and ability to care for the~~  
8 ~~child.~~

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

15           ~~3. An assessment of the physical environment of the~~  
16 ~~home.~~

17           ~~4. A determination of the financial security of the~~  
18 ~~proposed legal custodians.~~

19           ~~5. A determination of suitable child care arrangements~~  
20 ~~if the proposed legal custodians are employed outside of the~~  
21 ~~home.~~

22           ~~6. Documentation of counseling and information~~  
23 ~~provided to the proposed legal custodians regarding the~~  
24 ~~dependency process and possible outcomes.~~

25           ~~7. Documentation that information regarding support~~  
26 ~~services available in the community has been provided to the~~  
27 ~~proposed legal custodians.~~

28           ~~(c) The department shall not place the child or~~  
29 ~~continue the placement of the child in the home of the~~  
30 ~~proposed legal custodians if the results of the home study are~~  
31 ~~unfavorable.~~



Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 brought the child within the jurisdiction of the court and  
2 that remaining in this home is in the best interest of the  
3 child, then the court shall order conditions under which the  
4 child may remain or return to the home and that this placement  
5 be under the protective supervision of the department for not  
6 less than 6 months.

7 (b) If first determine whether there is a parent with  
8 whom the child was not residing at the time the events or  
9 conditions arose that brought the child within the  
10 jurisdiction of the court who desires to assume custody of the  
11 child ~~and, if such parent requests custody~~, the court shall  
12 place the child with that the parent upon completion of a home  
13 study, unless the court it finds that such placement would  
14 endanger the safety, well-being, or physical, mental, or  
15 emotional health of the child. Any party with knowledge of the  
16 facts may present to the court evidence regarding whether the  
17 placement will endanger the safety, well-being, or physical,  
18 mental, or emotional health of the child. If the court places  
19 the child with such parent, it may do either of the following:

20 1.(a) Order that the parent assume sole custodial  
21 responsibilities for the child. The court may also provide for  
22 reasonable visitation by the noncustodial parent. The court  
23 may then terminate its jurisdiction over the child. The  
24 custody order shall continue unless modified by a subsequent  
25 order of the circuit court hearing dependency matters. The  
26 order of the circuit court hearing dependency matters shall be  
27 filed in any dissolution or other custody action or proceeding  
28 between the parents and shall take precedence over other  
29 custody and visitation orders entered in those actions.

30 2.(b) Order that the parent assume custody subject to  
31 the jurisdiction of the circuit court hearing dependency

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 matters. The court may order that reunification services be  
2 provided to the parent from whom the child has been removed,  
3 that services be provided solely to the parent who is assuming  
4 physical custody in order to allow that parent to retain later  
5 custody without court jurisdiction, or that services be  
6 provided to both parents, in which case the court shall  
7 determine at every review hearing which parent, if either,  
8 shall have custody of the child. The standard for changing  
9 custody of the child from one parent to another or to a  
10 relative or another adult approved by the court shall be the  
11 best interest of the child.

12 (c) If no fit parent is willing or available to assume  
13 care and custody of the child, place

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

17 ~~1. Require the parent or legal custodian, and the~~  
18 ~~child when appropriate, to participate in treatment and~~  
19 ~~services identified as necessary.~~

20 ~~2. Require the parent or legal custodian, and the~~  
21 ~~child when appropriate, to participate in mediation if the~~  
22 ~~parent or legal custodian refused to participate in mediation.~~

23 ~~3. Place the child under the protective supervision of~~  
24 ~~an authorized agent of the department, either in the child's~~  
25 ~~own home or, the prospective custodian being willing, in the~~  
26 ~~home of a relative of the child or of another adult approved~~  
27 ~~by the court, or in some other suitable place under such~~  
28 ~~reasonable conditions as the court may direct. Protective~~  
29 ~~supervision continues until the court terminates it or until~~  
30 ~~the child reaches the age of 18, whichever date is first.~~  
31 ~~Protective supervision shall be terminated by the court~~

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~whenever the court determines that permanency has been~~  
2 ~~achieved for the child, whether with a parent, another~~  
3 ~~relative, or a legal custodian, and that protective~~  
4 ~~supervision is no longer needed. The termination of~~  
5 ~~supervision may be with or without retaining jurisdiction, at~~  
6 ~~the court's discretion, and shall in either case be considered~~  
7 ~~a permanency option for the child. The order terminating~~  
8 ~~supervision by the department shall set forth the powers of~~  
9 ~~the custodian of the child and shall include the powers~~  
10 ~~ordinarily granted to a guardian of the person of a minor~~  
11 ~~unless otherwise specified. Upon the court's termination of~~  
12 ~~supervision by the department, no further judicial reviews are~~  
13 ~~required, so long as permanency has been established for the~~  
14 ~~child.~~

15 ~~4. Place the child in the temporary legal custody of~~  
16 ~~an adult relative or other adult approved by the court who is~~  
17 ~~willing to care for the child, under the protective~~  
18 ~~supervision of the department. The department must supervise~~  
19 ~~this placement until the child reaches permanency status in~~  
20 ~~this home, and in no case for a period of less than 6 months.~~  
21 ~~Permanency in a relative placement shall be by adoption,~~  
22 ~~long-term custody, or guardianship.~~

23 ~~(d) If the child cannot be safely placed in a~~  
24 ~~nonlicensed placement, the court shall commit the child to the~~  
25 ~~temporary legal custody of the department. Such commitment~~  
26 ~~invests in the department all rights and responsibilities of a~~  
27 ~~legal custodian. The department shall not return any child to~~  
28 ~~the physical care and custody of the person from whom the~~  
29 ~~child was removed, except for court-approved visitation~~  
30 ~~periods, without the approval of the court. The term of such~~  
31 ~~commitment continues until terminated by the court or until~~

Bill No. HB 2125, 2nd Eng.

Amendment No.     

1 the child reaches the age of 18. After the child is committed  
2 to the temporary legal custody of the department, all further  
3 proceedings under this section are governed by this chapter.

4  
5 Protective supervision continues until the court terminates it  
6 or until the child reaches the age of 18, whichever date is  
7 first. Protective supervision shall be terminated by the court  
8 whenever the court determines that permanency has been  
9 achieved for the child, whether with a parent, another  
10 relative, or a legal custodian, and that protective  
11 supervision is no longer needed. The termination of  
12 supervision may be with or without retaining jurisdiction, at  
13 the court's discretion, and shall in either case be considered  
14 a permanency option for the child. The order terminating  
15 supervision by the department shall set forth the powers of  
16 the custodian of the child and shall include the powers  
17 ordinarily granted to a guardian of the person of a minor  
18 unless otherwise specified. Upon the court's termination of  
19 supervision by the department, no further judicial reviews are  
20 required, so long as permanency has been established for the  
21 child.

22 (4) An agency granted legal custody shall have the  
23 right to determine where and with whom the child shall live,  
24 but an individual granted legal custody shall exercise all  
25 rights and duties personally unless otherwise ordered by the  
26 court.

27 (5) In carrying out the provisions of this chapter,  
28 the court may order the parents and legal custodians of a  
29 child who is found to be dependent to participate in family  
30 counseling and other professional counseling activities deemed  
31 necessary for the rehabilitation of the parent or child.

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1           (6) With respect to a child who is the subject in  
2 proceedings under this chapter, the court may issue to the  
3 department an order to show cause why it should not return the  
4 child to the custody of the parents upon expiration of the  
5 case plan, or sooner if the parents have substantially  
6 complied with the case plan.

7           (7) The court may enter an order ending its  
8 jurisdiction over a child when a child has been returned to  
9 the parents, provided the court shall not terminate its  
10 jurisdiction or the department's supervision over the child  
11 until 6 months after the child's return. The court shall  
12 determine whether its jurisdiction should be continued or  
13 terminated in such a case based on a report of the department  
14 or agency or the child's guardian ad litem, and any other  
15 relevant factors; if its jurisdiction is to be terminated, the  
16 court shall enter an order to that effect.

17           ~~5.a. When the parents have failed to comply with a~~  
18 ~~case plan and the court determines at a judicial review~~  
19 ~~hearing, or at an adjudication hearing held pursuant to this~~  
20 ~~section, that neither reunification, termination of parental~~  
21 ~~rights, nor adoption is in the best interest of the child, the~~  
22 ~~court may place the child in the long-term custody of an adult~~  
23 ~~relative or other adult approved by the court willing to care~~  
24 ~~for the child, if all of the following conditions are met:~~

25           ~~(I) A case plan describing the responsibilities of the~~  
26 ~~relative or other adult, the department, and any other party~~  
27 ~~must have been submitted to the court.~~

28           ~~(II) The case plan for the child does not include~~  
29 ~~reunification with the parents or adoption by the relative or~~  
30 ~~other adult.~~

31           ~~(III) The child and the relative or other adult are~~



Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~determined not to need protective supervision or preventive~~  
2 ~~services to ensure the stability of the long-term custodial~~  
3 ~~relationship, or the department assures the court that~~  
4 ~~protective supervision or preventive services will be provided~~  
5 ~~in order to ensure the stability of the long-term custodial~~  
6 ~~relationship.~~

7 ~~(IV) Each party to the proceeding agrees that a~~  
8 ~~long-term custodial relationship does not preclude the~~  
9 ~~possibility of the child returning to the custody of the~~  
10 ~~parent at a later date, should the parent demonstrate a~~  
11 ~~material change in circumstances and the return of the child~~  
12 ~~to the parent is in the child's best interest.~~

13 ~~(V) The court has considered the reasonable preference~~  
14 ~~of the child if the court has found the child to be of~~  
15 ~~sufficient intelligence, understanding, and experience to~~  
16 ~~express a preference.~~

17 ~~(VI) The court has considered the recommendation of~~  
18 ~~the guardian ad litem if one has been appointed.~~

19 ~~(VII) The relative or other adult has made a~~  
20 ~~commitment to provide for the child until the child reaches~~  
21 ~~the age of majority and to prepare the child for adulthood and~~  
22 ~~independence.~~

23 ~~(VIII) The relative or other adult agrees not to~~  
24 ~~return the child to the physical care and custody of the~~  
25 ~~person from whom the child was removed, including for short~~  
26 ~~visitation periods, without the approval of the court.~~

27 ~~b. The court shall retain jurisdiction over the case,~~  
28 ~~and the child shall remain in the long-term custody of the~~  
29 ~~relative or other adult approved by the court until the order~~  
30 ~~creating the long-term custodial relationship is modified by~~  
31 ~~the court. The court shall discontinue regular judicial review~~

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~hearings and may relieve the department of the responsibility~~  
2 ~~for supervising the placement of the child whenever the court~~  
3 ~~determines that the placement is stable and that such~~  
4 ~~supervision is no longer needed. The child must be in the~~  
5 ~~placement for a minimum of 6 continuous months before the~~  
6 ~~court may consider termination of the department's~~  
7 ~~supervision. Notwithstanding the retention of jurisdiction,~~  
8 ~~the placement shall be considered a permanency option for the~~  
9 ~~child when the court relieves the department of the~~  
10 ~~responsibility for supervising the placement. The order~~  
11 ~~terminating supervision by the department shall set forth the~~  
12 ~~powers of the custodian of the child and shall include the~~  
13 ~~powers ordinarily granted to a guardian of the person of a~~  
14 ~~minor unless otherwise specified. The court may modify the~~  
15 ~~order terminating supervision of the long-term placement if it~~  
16 ~~finds that the long-term placement is no longer in the best~~  
17 ~~interest of the child.~~

18 ~~6.a. Approve placement of the child in long-term~~  
19 ~~out-of-home care, when the following conditions are met:~~  
20 ~~(I) The foster child is 16 years of age or older,~~  
21 ~~unless the court determines that the history or condition of a~~  
22 ~~younger child makes long-term out-of-home care the most~~  
23 ~~appropriate placement.~~

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

26 ~~(III) The department's social services study pursuant~~  
27 ~~to part VIII recommends long-term out-of-home care.~~

28  
29 ~~Long-term out-of-home care under the above conditions shall~~  
30 ~~not be considered a permanency option.~~

31 ~~b. The court may approve placement of the child in~~

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~long-term out-of-home care, as a permanency option, when all~~  
2 ~~of the following conditions are met:~~

3 ~~(I) The child is 14 years of age or older.~~

4 ~~(II) The child is living in a licensed home and the~~  
5 ~~foster parents desire to provide care for the child on a~~  
6 ~~permanent basis and the foster parents and the child do not~~  
7 ~~desire adoption.~~

8 ~~(III) The foster family has made a commitment to~~  
9 ~~provide for the child until he or she reaches the age of~~  
10 ~~majority and to prepare the child for adulthood and~~  
11 ~~independence.~~

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

14 ~~(V) The foster parents and the child view one another~~  
15 ~~as family and consider living together as the best place for~~  
16 ~~the child to be on a permanent basis.~~

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

20  
21 ~~Notwithstanding the retention of jurisdiction and supervision~~  
22 ~~by the department, long-term out-of-home care placements made~~  
23 ~~pursuant to this section shall be considered a permanency~~  
24 ~~option for the child. For purposes of this subsection,~~  
25 ~~supervision by the department shall be defined as a minimum of~~  
26 ~~semiannual visits. The order placing the child in long-term~~  
27 ~~out-of-home care as a permanency option shall set forth the~~  
28 ~~powers of the custodian of the child and shall include the~~  
29 ~~powers ordinarily granted to a guardian of the person of a~~  
30 ~~minor unless otherwise specified. The court may modify the~~  
31 ~~permanency option of long-term out-of-home care if it finds~~

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~that the placement is no longer in the best interests of the~~  
2 ~~child.~~

3 ~~c. Approve placement of the child in an independent~~  
4 ~~living arrangement for any child 16 years of age or older, if~~  
5 ~~it can be clearly established that this type of alternate care~~  
6 ~~arrangement is the most appropriate plan and that the health,~~  
7 ~~safety, and well-being of the child will not be jeopardized by~~  
8 ~~such an arrangement. While in independent living situations,~~  
9 ~~children whose legal custody has been awarded to the~~  
10 ~~department or a licensed child-caring or child-placing agency,~~  
11 ~~or who have been voluntarily placed with such an agency by a~~  
12 ~~parent, guardian, relative, or adult approved by the court,~~  
13 ~~continue to be subject to court review provisions.~~

14 ~~7. Commit the child to the temporary legal custody of~~  
15 ~~the department. Such commitment invests in the department all~~  
16 ~~rights and responsibilities of a legal custodian. The~~  
17 ~~department shall not return any child to the physical care and~~  
18 ~~custody of the person from whom the child was removed, except~~  
19 ~~for court-approved visitation periods, without the approval of~~  
20 ~~the court. The term of such commitment continues until~~  
21 ~~terminated by the court or until the child reaches the age of~~  
22 ~~18. After the child is committed to the temporary custody of~~  
23 ~~the department, all further proceedings under this section are~~  
24 ~~also governed by this chapter.~~

25 ~~8.a. Change the temporary legal custody or the~~  
26 ~~conditions of protective supervision at a postdisposition~~  
27 ~~hearing, without the necessity of another adjudicatory~~  
28 ~~hearing. A child who has been placed in the child's own home~~  
29 ~~under the protective supervision of an authorized agent of the~~  
30 ~~department, in the home of a relative, in the home of a legal~~  
31 ~~custodian, or in some other place may be brought before the~~

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~court by the department or by any other interested person,~~  
2 ~~upon the filing of a petition alleging a need for a change in~~  
3 ~~the conditions of protective supervision or the placement. If~~  
4 ~~the parents or other legal custodians deny the need for a~~  
5 ~~change, the court shall hear all parties in person or by~~  
6 ~~counsel, or both. Upon the admission of a need for a change or~~  
7 ~~after such hearing, the court shall enter an order changing~~  
8 ~~the placement, modifying the conditions of protective~~  
9 ~~supervision, or continuing the conditions of protective~~  
10 ~~supervision as ordered. The standard for changing custody of~~  
11 ~~the child shall be the best interest of the child. If the~~  
12 ~~child is not placed in foster care, then the new placement for~~  
13 ~~the child must meet the home study criteria and court approval~~  
14 ~~pursuant to this chapter.~~

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

22 ~~(b) The court shall, in its written order of~~  
23 ~~disposition, include all of the following:~~

24 ~~1. The placement or custody of the child as provided~~  
25 ~~in paragraph (a).~~

26 ~~2. Special conditions of placement and visitation.~~

27 ~~3. Evaluation, counseling, treatment activities, and~~  
28 ~~other actions to be taken by the parties, if ordered.~~

29 ~~4. The persons or entities responsible for supervising~~  
30 ~~or monitoring services to the child and parent.~~

31 ~~5. Continuation or discharge of the guardian ad litem,~~

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~as appropriate.~~

2 ~~6. The date, time, and location of the next scheduled~~  
3 ~~review hearing, which must occur within the earlier of:~~

4 ~~a. Ninety days after the disposition hearing;~~

5 ~~b. Ninety days after the court accepts the case plan;~~

6 ~~c. Six months after the date of the last review~~  
7 ~~hearing; or~~

8 ~~d. Six months after the date of the child's removal~~  
9 ~~from his or her home, if no review hearing has been held since~~  
10 ~~the child's removal from the home.~~

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

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

23 ~~(d) If the court places the child in an out-of-home~~  
24 ~~placement, the disposition order must include a written~~  
25 ~~determination that the child cannot safely remain at home with~~  
26 ~~reunification or family preservation services and that removal~~  
27 ~~of the child is necessary to protect the child. If the child~~  
28 ~~has been removed before the disposition hearing, the order~~  
29 ~~must also include a written determination as to whether, after~~  
30 ~~removal, the department has made a reasonable effort to~~  
31 ~~reunify the parent and child, if reasonable efforts are~~

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~required. Reasonable efforts to reunify are not required if~~  
2 ~~the court has found that any of the acts listed in s.~~  
3 ~~39.806(1)(f)-(i) have occurred. The department has the burden~~  
4 ~~of demonstrating that it has made reasonable efforts under~~  
5 ~~this paragraph.~~

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

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

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

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

18 ~~c. Indicate in writing why further efforts could or~~  
19 ~~could not have prevented or shortened the separation of the~~  
20 ~~parent and child.~~

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

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

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

31 ~~c. The child cannot safely remain at home, either~~

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~because there are no preventive services that can ensure the~~  
2 ~~health and safety of the child or, even with appropriate and~~  
3 ~~available services being provided, the health and safety of~~  
4 ~~the child cannot be ensured; or~~

5 ~~d. The parent or legal custodian is alleged to have~~  
6 ~~committed any of the acts listed as grounds for expedited~~  
7 ~~termination of parental rights in s. 39.806(1)(f)-(i).~~

8 ~~4. A reasonable effort by the department for~~  
9 ~~reunification of the parent and child has been made if the~~  
10 ~~appraisal of the home situation by the department indicates~~  
11 ~~that the 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. 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~~  
20 ~~chapter.~~

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



Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

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

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

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

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

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 ~~completed.~~

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

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

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

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

28 Section 23. Paragraph (c) of subsection (1) and  
29 paragraph (a) of subsection (2) of section 39.5085, Florida  
30 Statutes, are amended to read:

31 39.5085 Relative Caregiver Program.--

Bill No. HB 2125, 2nd Eng.

Amendment No.     

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

3           (c) Recognize that permanency in the best interests of  
4 the child can be achieved through a variety of permanency  
5 options, including long-term relative custody, guardianship,  
6 or adoption, by providing ~~Provide~~ additional placement options  
7 and incentives that will achieve permanency and stability for  
8 many children who are otherwise at risk of foster care  
9 placement because of abuse, abandonment, or neglect, but who  
10 may successfully be able to be placed by the dependency court  
11 in the care of such relatives.

12           (2)(a) The Department of Children and Family Services  
13 shall establish and operate the Relative Caregiver Program  
14 pursuant to eligibility guidelines established in this section  
15 as further implemented by rule of the department. The Relative  
16 Caregiver Program shall, within the limits of available  
17 funding, provide financial assistance to relatives who are  
18 within the fifth degree by blood or marriage to the parent or  
19 stepparent of a child and who are caring full-time for that  
20 child in the role of substitute parent as a result of a  
21 court's determination of child abuse, neglect, or abandonment  
22 and subsequent placement with the relative pursuant to this  
23 chapter. Such placement may be either court-ordered temporary  
24 legal custody to the relative under protective supervision of  
25 the department pursuant to s. 39.521(1)(b)3.~~39.508(9)(a)4.~~,  
26 or court-ordered placement in the home of a relative as a  
27 permanency option ~~under protective supervision of the~~  
28 ~~department~~ pursuant to s. 39.622 ~~39.508(9)(a)3.~~ The Relative  
29 Caregiver Program shall offer financial assistance to  
30 caregivers who are relatives and who would be unable to serve  
31 in that capacity without the relative caregiver payment

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 because of financial burden, thus exposing the child to the  
2 trauma of placement in a shelter or in foster care.

3 Section 24. Section 39.522, Florida Statutes, is  
4 created to read:

5 39.522 Postdisposition change of custody.--The court  
6 may change the temporary legal custody or the conditions of  
7 protective supervision at a postdisposition hearing, without  
8 the necessity of another adjudicatory hearing.

9 (1) A child who has been placed in the child's own  
10 home under the protective supervision of an authorized agent  
11 of the department, in the home of a relative, in the home of a  
12 legal custodian, or in some other place may be brought before  
13 the court by the department or by any other interested person,  
14 upon the filing of a petition alleging a need for a change in  
15 the conditions of protective supervision or the placement. If  
16 the parents or other legal custodians deny the need for a  
17 change, the court shall hear all parties in person or by  
18 counsel, or both. Upon the admission of a need for a change or  
19 after such hearing, the court shall enter an order changing  
20 the placement, modifying the conditions of protective  
21 supervision, or continuing the conditions of protective  
22 supervision as ordered. The standard for changing custody of  
23 the child shall be the best interest of the child. If the  
24 child is not placed in foster care, then the new placement for  
25 the child must meet the home study criteria and court approval  
26 pursuant to this chapter.

27 (2) In cases where the issue before the court is  
28 whether a child should be reunited with a parent, the court  
29 shall determine whether the parent has substantially complied  
30 with the terms of the case plan to the extent that the safety,  
31 well-being, and physical, mental, and emotional health of the

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 child is not endangered by the return of the child to the  
2 home.

3 Section 25. Subsection (2) of section 39.601, Florida  
4 Statutes, is amended to read:

5 39.601 Case plan requirements.--

6 (2) When the child or parent is receiving services,  
7 the case plan shall be filed with the court, for approval by  
8 the court, at least 72 hours prior to the disposition hearing.  
9 The case plan must be served on all parties whose whereabouts  
10 are known at least 72 hours prior to the disposition hearing  
11 and must include, in addition to the requirements in  
12 subsection (1), at a minimum:

13 (a) A description of the problem being addressed that  
14 includes the behavior or act of a parent resulting in risk to  
15 the child and the reason for the department's intervention.

16 (b) A description of the tasks with which the parent  
17 must comply and the services to be provided to the parent and  
18 child specifically addressing the identified problem,  
19 including:

- 20 1. Type of services or treatment.
- 21 2. Frequency of services or treatment.
- 22 3. Location of the delivery of the services.
- 23 4. The accountable department staff or service  
24 provider.

25 (c) A description of the measurable objectives,  
26 including timeframes for achieving objectives, addressing the  
27 identified problem.

28 Section 26. Paragraph (a) of subsection (1) of section  
29 39.603, Florida Statutes, is amended to read:

30 39.603 Court approvals of case planning.--

31 (1) At the hearing on the plan, which shall occur in

Bill No. HB 2125, 2nd Eng.

Amendment No.     

1 conjunction with the disposition hearing unless otherwise  
2 directed by the court, the court shall determine:

3       (a) All parties who were notified and are in  
4 attendance at the hearing, either in person or through a legal  
5 representative. The court may ~~shall~~ appoint a guardian ad  
6 litem under Rule 1.210, Florida Rules of Civil Procedure, to  
7 represent the interests of any parent, if the location of the  
8 parent is known but the parent is not present at the hearing  
9 and the development of the plan is based upon the physical,  
10 emotional, or mental condition or physical location of the  
11 parent.

12       Section 27. Section 39.621, Florida Statutes, is  
13 created to read:

14       39.621 Permanency determination by the court.--

15       (1) When the court has determined that reunification  
16 with either parent is not appropriate, then the court must  
17 make a permanency determination for the child.

18       (2) Adoption, pursuant to chapter 63, is the primary  
19 permanency option available to the court. If the child is  
20 placed with a relative or with a relative of the child's  
21 half-brother or half-sister as a permanency option, the court  
22 shall recognize the permanency of this placement without  
23 requiring the relative to adopt the child.

24       (3) The permanency options listed in the following  
25 paragraphs shall only be considered by the court if adoption  
26 is determined by the court to not be in the child's best  
27 interest, except as otherwise provided in subsection (2):

28       (a) Guardianship pursuant to chapter 744.

29       (b) Long-term custody.

30       (c) Long-term licensed custody.

31       (d) Independent living.

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1  
2 The permanency placement is intended to continue until the  
3 child reaches the age of majority and shall not be disturbed  
4 absent a finding by the court that the circumstances of the  
5 permanency placement are no longer in the best interest of the  
6 child.

7 Section 28. Section 39.622, Florida Statutes, is  
8 created to read:

9 39.622 Long-term custody.--When the parents have  
10 either consented to long-term custody, had their parental  
11 rights terminated, or failed to substantially comply with a  
12 case plan, and the court determines at a judicial review  
13 hearing, or at an adjudication hearing held pursuant to this  
14 chapter, that reunification is not in the best interest of the  
15 child, the court may place the child in the long-term custody  
16 of an adult relative or other adult approved by the court who  
17 has had custody of the child for at least the 6 preceding  
18 months and is willing to care for the child, if all of the  
19 following conditions are met:

20 (1) A case plan describing the responsibilities of the  
21 relative or other adult, the department, and any other party  
22 has been submitted to the court.

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

26 (3) The child and the relative or other adult are  
27 determined not to need protective supervision or preventive  
28 services to ensure the stability of the long-term custodial  
29 relationship.

30 (4) Each party to the proceeding agrees that a  
31 long-term custodial relationship does not preclude the

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 possibility of the child returning to the custody of the  
2 parent at a later date if the parent demonstrates a material  
3 change in circumstances and the return of the child to the  
4 parent is in the child's best interest.

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

11 (7) The relative or other adult has made a commitment  
12 to provide for the child until the child reaches the age of  
13 majority and to prepare the child for adulthood and  
14 independence.

15 (8) The relative or other adult agrees not to return  
16 the child to the physical care and custody of the person from  
17 whom the child was removed, including for short visitation  
18 periods, without the approval of the court.

19 (9) The court shall retain jurisdiction over the case,  
20 and the child shall remain in the long-term custody of the  
21 relative or other adult approved by the court, until the order  
22 creating the long-term custodial relationship is modified by  
23 the court. The court shall discontinue regular judicial-review  
24 hearings and may relieve the department of the responsibility  
25 for supervising the placement of the child whenever the court  
26 determines that the placement is stable and that such  
27 supervision is no longer needed. The child must be in the  
28 placement for a minimum of 6 continuous months before the  
29 court may consider termination of the department's  
30 supervision. Notwithstanding the retention of jurisdiction,  
31 the placement shall be considered a permanency option for the



Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 child when the court relieves the department of the  
2 responsibility for supervising the placement. The order  
3 terminating supervision by the department shall set forth the  
4 powers of the custodian of the child and shall include the  
5 powers ordinarily granted to a guardian of the person of a  
6 minor unless otherwise specified. The court may modify the  
7 order terminating supervision of the long-term placement if it  
8 finds that the long-term placement is no longer in the best  
9 interest of the child.

10 (10) A relative or other legal custodian who has been  
11 designated as a long-term custodian shall have all of the  
12 rights and duties of a parent, including, but not limited to,  
13 the right and duty to protect, train, and discipline the child  
14 and to provide the child with food, shelter, and education,  
15 and ordinary medical, dental, psychiatric, and psychological  
16 care, unless these rights and duties are otherwise enlarged or  
17 limited by the court order establishing the long-term  
18 custodial relationship. The long-term custodian must inform  
19 the court in writing of any changes in the residence of the  
20 long-term custodian or the child.

21 Section 29. Section 39.623, Florida Statutes, is  
22 created to read:

23 39.623 Long-term licensed custody.--The court may  
24 approve placement of the child in long-term licensed custody,  
25 as a permanency option, when all of the following conditions  
26 are met:

27 (1) The child is 14 years of age or older.

28 (2) The child is living in a licensed home and the  
29 foster parents desire to provide care for the child on a  
30 permanent basis and the foster parents and the child do not  
31 desire adoption.

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1           (3) The foster parents have made a commitment to  
2 provide for the child until he or she reaches the age of  
3 majority and to prepare the child for adulthood and  
4 independence.

5           (4) The child has remained in the home for a  
6 continuous period of no less than 12 months.

7           (5) The foster parents and the child view one another  
8 as family and consider living together as the best place for  
9 the child to be on a permanent basis.

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

13  
14 Notwithstanding the retention of jurisdiction and supervision  
15 by the department, long-term licensed custody placements made  
16 pursuant to this section shall be considered a permanency  
17 option for the child. For purposes of this section,  
18 supervision by the department shall be defined as a minimum of  
19 semiannual visits. The order placing the child in long-term  
20 licensed custody as a permanency option shall set forth the  
21 powers of the foster parents of the child and shall include  
22 the powers ordinarily granted to a guardian of the person of a  
23 minor unless otherwise specified. The court may modify the  
24 permanency option of long-term licensed custody if it finds  
25 that the placement is no longer in the best interest of the  
26 child.

27           Section 30. Section 39.624, Florida Statutes, is  
28 created to read:

29           39.624 Independent living.--The court may approve  
30 placement of the child in an independent living arrangement as  
31 permanency for any child 16 years of age or older, if it can

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 be clearly established that this type of alternate care  
2 arrangement is the most appropriate plan and that the health,  
3 safety, and well-being of the child will not be jeopardized by  
4 such an arrangement. While in independent living situations,  
5 children whose legal custody has been awarded to the  
6 department or a licensed child-caring or child-placing agency,  
7 or who have been voluntarily placed with such an agency by a  
8 parent, guardian, relative, or adult approved by the court,  
9 continue to be subject to court review provisions until the  
10 child reaches the age of 18.

11 Section 31. Paragraph (b) of subsection (3) and  
12 paragraphs (b) and (c) of subsection (6) of section 39.701,  
13 Florida Statutes, are amended to read:

14 39.701 Judicial review.--

15 (3)

16 (b) If the citizen review panel recommends extending  
17 the goal of reunification for any case plan beyond 12 months  
18 from the date the child was removed from the home or the case  
19 plan was adopted, whichever date came first, the court must  
20 schedule a judicial review hearing to be conducted by the  
21 court within 30 days after receiving the recommendation from  
22 the citizen review panel.

23 (6)

24 (b) A copy of the social service agency's written  
25 report and the written report of the guardian ad litem must be  
26 served on all parties whose whereabouts are known; provided to  
27 ~~the attorney of record of the parents; to the parents; to the~~  
28 ~~foster parents or legal custodians; and to the~~ to each citizen  
29 review panel, ~~and to the guardian ad litem for the child, or~~  
30 ~~the representative of the guardian ad litem program if the~~  
31 ~~program has been appointed by the court,~~ at least 72 hours

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 before the judicial review hearing or citizen review panel  
2 hearing. The requirement for providing parents with a copy of  
3 the written report does not apply to those parents who have  
4 voluntarily surrendered their child for adoption or who have  
5 had their parental rights to the child terminated.

6 (c) In a case in which the child has been permanently  
7 placed with the social service agency, the agency shall  
8 furnish to the court a written report concerning the progress  
9 being made to place the child for adoption. If the child  
10 cannot be placed for adoption, a report on the progress made  
11 by the child towards alternative permanency goals or  
12 placements, including, but not limited to, guardianship,  
13 long-term custody, long-term licensed custody foster care, or  
14 independent living, custody to a relative or other adult  
15 approved by the court on a permanent basis with or without  
16 legal guardianship, or custody to a foster parent or legal  
17 custodian on a permanent basis with or without legal  
18 guardianship, must be submitted to the court. The report must  
19 be submitted to the court at least 72 hours before each  
20 scheduled judicial review.

21 Section 32. Subsection (5) of section 39.803, Florida  
22 Statutes, is amended to read:

23 39.803 Identity or location of parent unknown after  
24 filing of termination of parental rights petition; special  
25 procedures.--

26 (5) If the inquiry under subsection (1) identifies a  
27 parent or prospective parent, and that person's location is  
28 unknown, the court shall direct the petitioner ~~department~~ to  
29 conduct a diligent search for that person before scheduling an  
30 adjudicatory hearing regarding the petition for termination of  
31 parental rights to dependency of the child unless the court

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 finds that the best interest of the child requires proceeding  
2 without actual notice to the person whose location is unknown.

3 Section 33. Section 39.804, Florida Statutes, is  
4 amended to read:

5 39.804 Penalties for false statements of  
6 paternity.--Any male person or any mother of a dependent child  
7 ~~A person~~ who knowingly and willfully makes a false statement  
8 concerning the claiming paternity of a child in conjunction  
9 with a petition to terminate parental rights under this  
10 chapter and causes such false statement of paternity to be  
11 filed with the court commits a misdemeanor of the first  
12 degree, punishable as provided in s. 775.082 or s. 775.083. A  
13 person who makes a statement claiming paternity in good faith  
14 is immune from criminal liability under this section.

15 Section 34. Paragraph (b) of subsection (1) of section  
16 39.806, Florida Statutes, is amended to read:

17 39.806 Grounds for termination of parental rights.--

18 (1) The department, the guardian ad litem, a licensed  
19 child-placing agency, or any person who has knowledge of the  
20 facts alleged or who is informed of said facts and believes  
21 that they are true, may petition for the termination of  
22 parental rights under any of the following circumstances:

23 (b) Abandonment as defined in s. 39.01(1) or when the  
24 identity or location of the parent or parents is unknown and  
25 cannot be ascertained by diligent search within 60 days.

26 Section 35. Paragraphs (a) and (b) of subsection (2)  
27 of section 39.807, Florida Statutes, are amended to read:

28 39.807 Right to counsel; guardian ad litem.--

29 (2)(a) The court shall appoint a guardian ad litem to  
30 represent the best interest of the child in any termination of  
31 parental rights proceedings and shall ascertain at each stage

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 of the proceedings whether a guardian ad litem has been  
2 appointed.

3 (b) The guardian ad litem has the following  
4 responsibilities:

5 1. To investigate the allegations of the petition and  
6 any subsequent matters arising in the case and, unless excused  
7 by the court, to file a written report. This report must  
8 include a statement of the wishes of the child and the  
9 recommendations of the guardian ad litem and must be provided  
10 to all parties and the court at least 72 hours before the  
11 disposition hearing.

12 2. To be present at all court hearings unless excused  
13 by the court.

14 3. To represent the best interests of the child until  
15 the jurisdiction of the court over the child terminates or  
16 until excused by the court.

17 Section 36. Subsection (4) of section 39.811, Florida  
18 Statutes, is amended to read:

19 39.811 Powers of disposition; order of disposition.--

20 (4) If the child is neither in the custody of the  
21 department nor in the custody of a parent and the court finds  
22 that the grounds for termination of parental rights have been  
23 established for either or both parents, the court shall enter  
24 an order terminating parental rights for the parent or parents  
25 for whom the grounds for termination have been established and  
26 placing the child with the department or an appropriate legal  
27 custodian. If the parental rights of both parents have been  
28 terminated, or if the parental rights of only one parent have  
29 been terminated and the court makes specific findings based on  
30 evidence presented that placement with the remaining parent is  
31 likely to be harmful to the child, the court may order that

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 the child be placed with a legal custodian other than the  
2 department after hearing evidence of the suitability of such  
3 intended placement. Suitability of the intended placement  
4 includes the fitness and capabilities of the proposed legal  
5 custodian to function as the primary caregiver for a  
6 particular child; and the compatibility of the child with the  
7 home in which the child is intended to be placed. If the  
8 court orders that a child be placed with a legal custodian  
9 under this subsection, the court shall appoint such legal  
10 custodian either as the guardian for the child as provided in  
11 s. 744.3021 or as the long-term custodian of the child as  
12 provided in s. 39.622 so long as the child has been residing  
13 with the legal custodian for a minimum of 6 months. The court  
14 may modify the order placing the child in the custody of the  
15 legal custodian and revoke the guardianship established under  
16 s. 744.3021 or the long-term custodial relationship if the  
17 court subsequently finds the placement to be no longer in the  
18 best interest of the child.

19 Section 37. Subsections (1) and (2) of section  
20 435.045, Florida Statutes, are amended to read:

21 435.045 Requirements for prospective foster or  
22 adoptive parents.--

23 (1)(a) Unless an election provided for in subsection  
24 (2) is made with respect to the state, the department shall  
25 conduct criminal records checks equivalent to the level 2  
26 screening required in s. 435.04(1) for any prospective foster  
27 or adoptive parent before the foster or adoptive parent may be  
28 finally approved for placement of a child on whose behalf  
29 foster care maintenance payments or adoption assistance  
30 payments under s. 471 of the Social Security Act, 42 U.S.C. s.  
31 671, are to be made. Approval shall not be granted:

Bill No. HB 2125, 2nd Eng.

Amendment No.     

1           1.(a) In any case in which a record check reveals a  
2 felony conviction for child abuse, abandonment, or neglect;  
3 for spousal abuse; for a crime against children, including  
4 child pornography, or for a crime involving violence,  
5 including rape, sexual assault, or homicide but not including  
6 other physical assault or battery, if the department finds  
7 that a court of competent jurisdiction has determined that the  
8 felony was committed at any time; and

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

14           (b) Notwithstanding paragraph (a), the department may  
15 place a child in a foster home which otherwise meets licensing  
16 requirements if state and local criminal records checks do not  
17 disqualify the applicant and the department has submitted  
18 fingerprint information to the Florida Department of Law  
19 Enforcement for forwarding to the Federal Bureau of  
20 Investigation and is awaiting the results of the federal  
21 criminal records check.

22           (c) Prospective and approved foster parents must  
23 disclose to the department any prior or pending local, state,  
24 or federal criminal proceedings in which they are or have been  
25 involved.

26           (2) For purposes of this section, and ss. 39.401(3)  
27 and 39.521(1)(d)~~39.508(9)(b) and (10)(a)~~, the department and  
28 its authorized agents or contract providers are hereby  
29 designated a criminal justice agency for the purposes of  
30 accessing criminal justice information, including National  
31 Crime Information Center information, to be used for enforcing



Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 Florida's laws concerning the crimes of child abuse,  
2 abandonment, and neglect. This information shall be used  
3 solely for purposes supporting the detection, apprehension,  
4 prosecution, pretrial release, posttrial release, or  
5 rehabilitation of criminal offenders or persons accused of the  
6 crimes of child abuse, abandonment, or neglect and shall not  
7 be further disseminated or used for any other purposes.

8 Section 38. Paragraph (b) of subsection (10) of  
9 section 409.2554, Florida Statutes, is amended to read:

10 409.2554 Definitions.--As used in ss.

11 409.2551-409.2598, the term:

12 (10) "Support" means:

13 (b) Support for a child who is placed under the  
14 custody of someone other than the custodial parent pursuant to  
15 s. 39.521, s. 39.522, s. 39.622, s. 39.623, or s. 39.624 ~~s.~~  
16 ~~39.508~~.

17 Section 39. Subsection (3) of section 402.40, Florida  
18 Statutes, is repealed.

19  
20 (Redesignate subsequent sections.)

21

22

23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, lines 2 and 3, delete those lines

26

27 and insert:

28 An act relating to children and families;  
29 amending s. 39.01, F.S.; revising the  
30 definition of the term "long-term custody";  
31 defining the term "long-term licensed custody";

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 amending s. 39.013, F.S.; providing for  
2 precedence of orders of the circuit court in  
3 dependency matters involving dissolution or  
4 other custody action; deleting provisions  
5 relating to state funding of court-appointed  
6 counsel for legal guardians at shelter  
7 hearings; amending s. 39.0132, F.S., relating  
8 to oaths, records, and confidential  
9 information; amending s. 39.202, F.S.; revising  
10 provisions relating to access to and disclosure  
11 of reports and records in cases of child abuse  
12 or neglect; amending s. 39.402, F.S., relating  
13 to placement in a shelter; amending s. 39.502,  
14 F.S., relating to notice, process, and  
15 services; amending s. 39.503, F.S., relating to  
16 procedures when the identity or location of the  
17 parent is unknown; creating a new pt. VII of  
18 ch. 39, F.S., relating to disposition and  
19 postdisposition change of custody; creating a  
20 new pt. IX of ch. 39, F.S., relating to  
21 permanency; renumbering and amending s. 39.508,  
22 F.S.; revising provisions relating to  
23 disposition hearings and powers of disposition;  
24 amending s. 39.5085, F.S.; providing intent for  
25 achieving permanency through a variety of  
26 permanency options; conforming a  
27 cross-reference; creating s. 39.522, F.S.;  
28 providing for postdisposition change of  
29 custody; amending s. 39.601, F.S.; providing  
30 requirements relating to case plans; amending  
31 s. 39.603, F.S., relating to court hearings for

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1 approval of case planning; authorizing, rather  
2 than requiring, court appointment of a guardian  
3 ad litem under certain circumstances; creating  
4 s. 39.621, F.S.; providing for permanency  
5 determinations by the court; creating s.  
6 39.622, F.S.; providing conditions and  
7 requirements for court placement of a child in  
8 long-term custody; creating s. 39.623, F.S.;  
9 providing conditions and requirements for court  
10 approval of placement in long-term licensed  
11 custody; creating s. 39.624, F.S.; providing  
12 conditions and requirements for court approval  
13 of placement in independent living; amending s.  
14 39.701, F.S.; revising provisions relating to  
15 judicial review hearings; amending s. 39.803,  
16 F.S.; revising procedure relating to diligent  
17 search, after filing of a termination of  
18 parental rights petition, for a parent whose  
19 identity or location is unknown; amending s.  
20 39.804, F.S.; providing a penalty for false  
21 statements concerning paternity; amending s.  
22 39.806, F.S.; providing abandonment as a ground  
23 for termination of parental rights; amending s.  
24 39.807, F.S.; providing responsibilities of the  
25 guardian ad litem; amending s. 39.811, F.S.;  
26 providing for court-ordered disposition of the  
27 child in long-term custody following  
28 termination of parental rights; amending s.  
29 435.045, F.S.; authorizing placement in a  
30 foster home pending  
31 federal-criminal-records-check results;

Bill No. HB 2125, 2nd Eng.

Amendment No. \_\_\_\_

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

requiring certain disclosure by prospective and approved foster parents; amending s. 409.2554, F.S.; conforming cross-references; repealing s. 402.40(3), F.S.; abolishing the Child Welfare Standards and Training Council; amending s. 20.04, F.S.;