

By Senator Peaden

300-287-01

1 A bill to be entitled
2 An act relating to proceedings relating to
3 children; amending the definition of the term
4 "child who is found to be dependent," as the
5 term is used in ch. 39, F.S.; providing an
6 effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Subsection (14) of section 39.01, Florida
11 Statutes, is amended to read:

12 39.01 Definitions.--When used in this chapter, unless
13 the context otherwise requires:

14 (14) "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 or legal custodians;

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

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

28 (d) To have been voluntarily placed with a licensed
29 child-placing agency for the purposes of subsequent adoption,
30 and a parent or parents have signed a consent pursuant to the
31 Florida Rules of Juvenile Procedure;

1 (e) To have no parent or legal custodians capable of
2 providing supervision and care; ~~or~~

3 (f) To be at substantial risk of imminent abuse,
4 abandonment, or neglect by the parent or parents or legal
5 custodians;~~-~~

6 (g) To have a parent who is incarcerated in a state or
7 federal correctional institution and:

8 1.a. The period of time for which the parent is
9 expected to be incarcerated will constitute a substantial
10 portion of the period of time before the child will attain the
11 age of 18 years; or

12 b. The incarcerated parent has been determined by the
13 court to be a violent career criminal as defined in s.
14 775.084, a habitual violent felony offender as defined in s.
15 775.084, or a sexual predator as defined in s. 775.21; has
16 been convicted of first-degree or second-degree murder in
17 violation of s. 782.04 or of a sexual battery that constitutes
18 a capital, life, or first-degree felony violation of s.
19 794.011; or has been convicted in another jurisdiction of an
20 offense that is substantially similar to one of the offenses
21 listed in this paragraph. As used in this sub-subparagraph,
22 the term "substantially similar offense" means any offense
23 that is substantially similar in elements and penalties to one
24 of those listed in this paragraph and that is in violation of
25 a law of any other jurisdiction, whether that of another
26 state, the District of Columbia, the United States or any
27 possession or territory thereof, or any foreign jurisdiction;
28 and

29 2. The child's other parent is incapable of caring for
30 the child in a safe and healthful environment; or

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1 (h)1. To have a parent or parents who engaged in
2 egregious conduct or had the opportunity and capability to
3 prevent and knowingly failed to prevent egregious conduct that
4 threatens the life, safety, or physical, mental, or emotional
5 health of the child or the child's sibling.

6 2. As used in this paragraph, the term:

7 a. "Sibling" means another child who resides with or
8 is cared for by the parent or parents regardless of whether
9 the child is related legally or by consanguinity.

10 b. "Egregious conduct" means abuse, abandonment,
11 neglect, or any other conduct of the parent or parents that is
12 deplorable, flagrant, or outrageous by a normal standard of
13 conduct. Egregious conduct may include an act or omission that
14 occurred only once but was of such intensity, magnitude, or
15 severity as to endanger the life of the child.

16 Section 2. This act shall take effect upon becoming a
17 law.

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20 SENATE SUMMARY

21 Amends the definition of the term "child who is found to
22 be dependent" as the term is used in ch. 39, F.S.,
23 entitled "Proceedings Relating to Children."
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