

By the Committee on Children and Families; and Senator Peaden

300-1469-01

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 available to
2 or capable of providing supervision and care. For purposes of
3 this paragraph, a parent or legal custodian who is not capable
4 of providing supervision and care includes, but is not limited
5 to, a parent or legal custodian who is incarcerated; ~~or~~

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

9 (g)1. To have a parent or parents who engaged in
10 egregious conduct or had the opportunity and capability to
11 prevent and knowingly failed to prevent egregious conduct that
12 threatens the life, safety, or physical, mental, or emotional
13 health of the child or the child's sibling.

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

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

18 b. "Egregious conduct" means abuse, abandonment,
19 neglect, or any other conduct of the parent or parents that is
20 deplorable, flagrant, or outrageous by a normal standard of
21 conduct. Egregious conduct may include an act or omission that
22 occurred only once but was of such intensity, magnitude, or
23 severity as to endanger the life of the child.

24 Section 2. This act shall take effect upon becoming a
25 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 452

Removes the requirement for determining a child to be dependent relating to the incarceration of a parent in a state or federal correctional institution for major crimes for a substantial period of time prior to the child's 18th birthday and adds that a child is dependent if no parent or legal custodian is available to provide supervision which would include a parent or legal guardian who is incarcerated.