

1  
2 An act relating to children; amending s.  
3 39.013, F.S.; providing that time limitations  
4 under ch. 39, F.S., do not include continuances  
5 requested by any party; providing limitations  
6 on continuances; amending s. 39.402, F.S.;  
7 providing that time limitations governing  
8 placement of a child in a shelter do not  
9 include continuances requested by any party;  
10 providing limitations on continuances; amending  
11 s. 39.506, F.S.; eliminating the requirement  
12 for a court's continued review of a child's  
13 placement in a shelter; providing an effective  
14 date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsection (10) of section 39.013, Florida  
19 Statutes, is amended to read:

20 39.013 Procedures and jurisdiction; right to  
21 counsel.--

22 (10) The time limitations in this chapter do not  
23 include:

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

30  
31

1 (b) Periods of delay resulting from a continuance  
2 granted at the request of any party ~~the attorney for the~~  
3 ~~department or petitioner~~, if the continuance is granted:

4 1. Because of an unavailability of evidence material  
5 to the case when the requesting party ~~attorney for the~~  
6 ~~department or petitioner~~ has exercised due diligence to obtain  
7 such evidence and there are substantial grounds to believe  
8 that such evidence will be available within 30 days. However,  
9 if the requesting party ~~department or petitioner~~ is not  
10 prepared to proceed ~~present its case~~ within 30 days, any other  
11 party, inclusive of the parent or legal custodian, ~~the parent~~  
12 may move for issuance of an order to show cause or the court  
13 on its own motion may impose appropriate sanctions, which may  
14 include dismissal of the petition.

15 2. To allow the requesting party ~~attorney for the~~  
16 ~~department or petitioner~~ additional time to prepare the case  
17 and additional time is justified because of an exceptional  
18 circumstance.

19 (c) Reasonable periods of delay necessary to  
20 accomplish notice of the hearing to the child's parent or  
21 legal custodian ~~parents~~; however, the petitioner shall  
22 continue regular efforts to provide notice to the parents  
23 during such periods of delay.

24 (d) Reasonable periods of delay resulting from a  
25 continuance granted at the request of the parent or legal  
26 custodian of a subject child.

27 (e) Notwithstanding the foregoing, continuances and  
28 extensions of time are limited to the number of days  
29 absolutely necessary to complete a necessary task in order to  
30 preserve the rights of a party or the best interests of a  
31 child. Time is of the essence for the best interests of

1 dependent children in conducting dependency proceedings in  
2 accordance with the time limitations set forth in this  
3 chapter. Time limitations are a right of the child which may  
4 not be waived, extended, or continued at the request of any  
5 party in advance of the particular circumstances or need  
6 arising upon which delay of the proceedings may be warranted.

7 (f) Continuances or extensions of time may not total  
8 more than 60 days for all parties within any 12-month period  
9 during proceedings under this chapter. A continuance or  
10 extension of time beyond the 60 days may be granted only for  
11 extraordinary circumstances necessary to preserve the  
12 constitutional rights of a party or when substantial evidence  
13 demonstrates that the child's best interests will be  
14 affirmatively harmed without the granting of a continuance or  
15 extension of time.

16 Section 2. Subsections (14) and (16) of section  
17 39.402, Florida Statutes, are amended to read:

18 39.402 Placement in a shelter.--

19 (14) The time limitations in this section do not  
20 include:

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

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

31

1           1. Because of an unavailability of evidence material  
2 to the case when the requesting party ~~attorney for the~~  
3 ~~department~~ has exercised due diligence to obtain such evidence  
4 and there are substantial grounds to believe that such  
5 evidence will be available within 30 days. However, if the  
6 requesting party ~~department~~ is not prepared to proceed ~~present~~  
7 ~~its case~~ within 30 days, any other party, inclusive of the  
8 parent or legal custodian, may move for issuance of an order  
9 to show cause or the court on its own motion may impose  
10 appropriate sanctions, which may include dismissal of the  
11 petition.

12           2. To allow the requesting party ~~attorney for the~~  
13 ~~department~~ additional time to prepare the case and additional  
14 time is justified because of an exceptional circumstance.

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

20           (d) Reasonable periods of delay resulting from a  
21 continuance granted at the request of the parent or legal  
22 custodian of a subject child.

23           (e) Notwithstanding the foregoing, continuances and  
24 extensions of time are limited to the number of days  
25 absolutely necessary to complete a necessary task in order to  
26 preserve the rights of a party or the best interests of a  
27 child. Time is of the essence for the best interests of  
28 dependent children in conducting dependency proceedings in  
29 accordance with the time limitations set forth in this  
30 chapter. Time limitations are a right of the child which may  
31 not be waived, extended, or continued at the request of any

1 party in advance of the particular circumstances or need  
2 arising upon which delay of the proceedings may be warranted.

3 (f) Continuances or extensions of time may not total  
4 more than 60 days for all parties within any 12-month period  
5 during proceedings under this chapter. A continuance or  
6 extension beyond the 60 days may be granted only for  
7 extraordinary circumstances necessary to preserve the  
8 constitutional rights of a party or when substantial evidence  
9 demonstrates that the child's best interests will be  
10 affirmatively harmed without the granting of a continuance or  
11 extension of time.

12 (16) At the conclusion of a shelter hearing, the court  
13 shall notify all parties in writing of the next scheduled  
14 hearing to review the shelter placement. Such hearing shall be  
15 held no later than 30 days after placement of the child in  
16 shelter status, in conjunction with the arraignment hearing,  
17 and at such times as are otherwise provided by law or  
18 determined by the court to be necessary ~~and every 15 days~~  
19 ~~thereafter until the child is released from shelter status.~~

20 Section 3. Subsection (8) of section 39.506, Florida  
21 Statutes, is amended to read:

22 39.506 Arraignment hearings.--

23 (8) At the arraignment hearing, ~~and no more than every~~  
24 ~~15 days thereafter until the child is returned home or a~~  
25 ~~disposition hearing has been conducted,~~ the court shall review  
26 the necessity for the child's continued placement in the  
27 shelter. The court shall also make a written determination  
28 regarding the child's continued placement in shelter within 24  
29 hours after any violation of the time requirements for the  
30 filing of a petition or prior to the court's granting any  
31 continuance as specified in subsection (5).

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

Section 4. This act shall take effect July 1, 2002.