

Bill No. CS for SB 1080

Barcode 375390

CHAMBER ACTION

Senate

House

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The Committee on Judiciary (Campbell) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 39.01, Florida Statutes, is amended to read:

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

(1) "Abandoned" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of the ~~such~~ parent or legal custodian, or caregiver primarily responsible for the child's welfare, to support and communicate with the child are, in the opinion of the court, only marginal efforts that

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1 do not evince a settled purpose to assume all parental duties,
 2 the court may declare the child to be abandoned. The term
 3 "abandoned" does not include an abandoned newborn infant as
 4 described in s. 383.50, a "child in need of services" as
 5 defined in chapter 984, or a "family in need of services" as
 6 defined in chapter 984. The incarceration of a parent, legal
 7 custodian, or caregiver responsible for a child's welfare may
 8 support a finding of abandonment.

9 (2) "Abuse" means any willful act or threatened act
 10 that results in any physical, mental, or sexual injury or harm
 11 that causes or is likely to cause the child's physical,
 12 mental, or emotional health to be significantly impaired.
 13 Abuse of a child includes acts or omissions. Corporal
 14 discipline of a child by a parent or legal custodian for
 15 disciplinary purposes does not in itself constitute abuse when
 16 it does not result in harm to the child.

17 (3) "Addictions receiving facility" means a substance
 18 abuse service provider as defined in chapter 397.

19 (4) "Adjudicatory hearing" means a hearing for the
 20 court to determine whether or not the facts support the
 21 allegations stated in the petition in dependency cases or in
 22 termination of parental rights cases.

23 (5) "Adult" means any natural person other than a
 24 child.

25 (6) "Adoption" means the act of creating the legal
 26 relationship between parent and child where it did not exist,
 27 thereby declaring the child to be legally the child of the
 28 adoptive parents and their heir at law, and entitled to all
 29 the rights and privileges and subject to all the obligations
 30 of a child born to the ~~such~~ adoptive parents in lawful
 31 wedlock.

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1 (7) "Alleged juvenile sexual offender" means:

2 (a) A child 12 years of age or younger who is alleged
3 to have committed a violation of chapter 794, chapter 796,
4 chapter 800, s. 827.071, or s. 847.0133; or

5 (b) A child who is alleged to have committed any
6 violation of law or delinquent act involving juvenile sexual
7 abuse. "Juvenile sexual abuse" means any sexual behavior which
8 occurs without consent, without equality, or as a result of
9 coercion. For purposes of this paragraph, the following
10 definitions apply:

11 1. "Coercion" means the exploitation of authority or
12 the use of bribes, threats of force, or intimidation to gain
13 cooperation or compliance.

14 2. "Equality" means two participants operating with
15 the same level of power in a relationship, neither being
16 controlled nor coerced by the other.

17 3. "Consent" means an agreement, including all of the
18 following:

19 a. Understanding what is proposed based on age,
20 maturity, developmental level, functioning, and experience.

21 b. Knowledge of societal standards for what is being
22 proposed.

23 c. Awareness of potential consequences and
24 alternatives.

25 d. Assumption that agreement or disagreement will be
26 accepted equally.

27 e. Voluntary decision.

28 f. Mental competence.

29

30 Juvenile sexual offender behavior ranges from noncontact

31 sexual behavior such as making obscene phone calls,

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1 exhibitionism, voyeurism, and the showing or taking of lewd
2 photographs to varying degrees of direct sexual contact, such
3 as frottage, fondling, digital penetration, rape, fellatio,
4 sodomy, and various other sexually aggressive acts.

5 (8) "Arbitration" means a process whereby a neutral
6 third person or panel, called an arbitrator or an arbitration
7 panel, considers the facts and arguments presented by the
8 parties and renders a decision which may be binding or
9 nonbinding.

10 (9) "Authorized agent" or "designee" of the department
11 means an employee, volunteer, or other person or agency
12 determined by the state to be eligible for state-funded risk
13 management coverage, which ~~that~~ is assigned or designated by
14 the department to perform duties or exercise powers under
15 ~~pursuant to~~ this chapter.

16 (10) "Caregiver" means the parent, legal custodian,
17 permanent guardian, adult household member, or other person
18 responsible for a child's welfare as defined in subsection
19 ~~(46)~~ ~~(47)~~.

20 (11) "Case plan" ~~or "plan"~~ means a document, as
21 described in s. 39.6011 ~~s. 39.601~~, prepared by the department
22 with input from all parties. The case plan follows the child
23 from the provision of voluntary services through any
24 dependency, foster care, or termination of parental rights
25 proceeding or related activity or process.

26 (12) "Child" or "youth" means any unmarried person
27 under the age of 18 years who has not been emancipated by
28 order of the court.

29 (13) "Child protection team" means a team of
30 professionals established by the Department of Health to
31 receive referrals from the protective investigators and

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1 protective supervision staff of the department and to provide
 2 specialized and supportive services to the program in
 3 processing child abuse, abandonment, or neglect cases. A child
 4 protection team shall provide consultation to other programs
 5 of the department and other persons regarding child abuse,
 6 abandonment, or neglect cases.

7 (14) "Child who is found to be dependent" means a
 8 child who, pursuant to this chapter, is found by the court:

9 (a) To have been abandoned, abused, or neglected by
 10 the child's parent or parents or legal custodians;

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

14 (c) To have been voluntarily placed with a licensed
 15 child-caring agency, a licensed child-placing agency, an adult
 16 relative, the department, or the former Department of Health
 17 and Rehabilitative Services, after which placement, under the
 18 requirements of this chapter, a case plan has expired and the
 19 parent or parents or legal custodians have failed to
 20 substantially comply with the requirements of the plan;

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

25 (e) To have no parent or legal custodians capable of
 26 providing supervision and care; or

27 (f) To be at substantial risk of imminent abuse,
 28 abandonment, or neglect by the parent or parents or legal
 29 custodians.

30 (15) "Child support" means a court-ordered obligation,
 31 enforced under chapter 61 and ss. 409.2551-409.2597, for

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1 monetary support for the care, maintenance, training, and
2 education of a child.

3 (16) "Circuit" means any of the 20 judicial circuits
4 as set forth in s. 26.021.

5 (17) "Comprehensive assessment" or "assessment" means
6 the gathering of information for the evaluation of a child's
7 and caregiver's physical, psychiatric, psychological or mental
8 health, educational, vocational, and social condition and
9 family environment as they relate to the child's and
10 caregiver's need for rehabilitative and treatment services,
11 including substance abuse treatment services, mental health
12 services, developmental services, literacy services, medical
13 services, family services, and other specialized services, as
14 appropriate.

15 (18) "Concurrent planning" means establishing a
16 permanency goal in a case plan that uses reasonable efforts to
17 reunify the child with the parent, while at the same time
18 establishing another goal that must be one of the following
19 options:

20 (a) Adoption when a petition for termination of
21 parental rights has been filed or will be filed;

22 (b) Permanent guardianship of a dependent child under
23 s. 39.6221;

24 (c) Permanent placement with a fit and willing
25 relative under s. 39.6231; or

26 (d) Placement in another planned permanent living
27 arrangement under s. 39.6241.

28 ~~(19)~~(18) "Court," unless otherwise expressly stated,
29 means the circuit court assigned to exercise jurisdiction
30 under this chapter.

31 ~~(20)~~(19) "Department" means the Department of Children

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1 and Family Services.

2 ~~(21)(20)~~ "Diligent efforts by a parent" means a course
3 of conduct which results in a reduction in risk to the child
4 in the child's home that would allow the child to be safely
5 placed permanently back in the home as set forth in the case
6 plan.

7 ~~(22)(21)~~ "Diligent efforts of social service agency"
8 means reasonable efforts to provide social services or
9 reunification services made by any social service agency that
10 is a party to a case plan.

11 ~~(23)(22)~~ "Diligent search" means the efforts of a
12 social service agency to locate a parent or prospective parent
13 whose identity or location is unknown, initiated as soon as
14 the social service agency is made aware of the existence of
15 such parent, with the search progress reported at each court
16 hearing until the parent is either identified and located or
17 the court excuses further search.

18 ~~(24)(23)~~ "Disposition hearing" means a hearing in
19 which the court determines the most appropriate protections,
20 services, and placement for the child in dependency cases.

21 ~~(25)(24)~~ "District" means any one of the 15 service
22 districts of the department established pursuant to s. 20.19.

23 ~~(26)(25)~~ "District administrator" means the chief
24 operating officer of each service district of the department
25 as defined in s. 20.19(5) and, where appropriate, includes any
26 district administrator whose service district falls within the
27 boundaries of a judicial circuit.

28 ~~(27)(26)~~ "Expedited termination of parental rights"
29 means proceedings wherein a case plan with the goal of
30 reunification is not being offered.

31 ~~(28)(27)~~ "False report" means a report of abuse,

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1 neglect, or abandonment of a child to the central abuse
2 hotline, which report is maliciously made for the purpose of:

3 (a) Harassing, embarrassing, or harming another
4 person;

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

6 (c) Acquiring custody of a child; or

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

9

10 The term "false report" does not include a report of abuse,
11 neglect, or abandonment of a child made in good faith to the
12 central abuse hotline.

13 ~~(29)(28)~~ "Family" means a collective body of persons,
14 consisting of a child and a parent, legal custodian, or adult
15 relative, in which:

16 (a) The persons reside in the same house or living
17 unit; or

18 (b) The parent, legal custodian, or adult relative has
19 a legal responsibility by blood, marriage, or court order to
20 support or care for the child.

21 (30) "Family team conference" means a process for
22 family-focused intervention facilitated by professional staff
23 which is designed to develop a plan for the care, safety, and
24 well-being of a child and the child's family.

25 ~~(31)(29)~~ "Foster care" means care provided a child in
26 a foster family or boarding home, group home, agency boarding
27 home, child care institution, or any combination thereof.

28 ~~(32)(30)~~ "Harm" to a child's health or welfare can
29 occur when any person:

30 (a) Inflicts or allows to be inflicted upon the child
31 physical, mental, or emotional injury. In determining whether

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1 | harm has occurred, the following factors must be considered in
2 | evaluating any physical, mental, or emotional injury to a
3 | child: the age of the child; any prior history of injuries to
4 | the child; the location of the injury on the body of the
5 | child; the multiplicity of the injury; and the type of trauma
6 | inflicted. Such injury includes, but is not limited to:

- 7 | 1. Willful acts that produce the following specific
8 | injuries:
- 9 | a. Sprains, dislocations, or cartilage damage.
 - 10 | b. Bone or skull fractures.
 - 11 | c. Brain or spinal cord damage.
 - 12 | d. Intracranial hemorrhage or injury to other internal
13 | organs.
 - 14 | e. Asphyxiation, suffocation, or drowning.
 - 15 | f. Injury resulting from the use of a deadly weapon.
 - 16 | g. Burns or scalding.
 - 17 | h. Cuts, lacerations, punctures, or bites.
 - 18 | i. Permanent or temporary disfigurement.
 - 19 | j. Permanent or temporary loss or impairment of a body
20 | part or function.

21 |

22 | As used in this subparagraph, the term "willful" refers to the
23 | intent to perform an action, not to the intent to achieve a
24 | result or to cause an injury.

- 25 | 2. Purposely giving a child poison, alcohol, drugs, or
26 | other substances that substantially affect the child's
27 | behavior, motor coordination, or judgment or that result in
28 | sickness or internal injury. For the purposes of this
29 | subparagraph, the term "drugs" means prescription drugs not
30 | prescribed for the child or not administered as prescribed,
31 | and controlled substances as outlined in Schedule I or

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1 Schedule II of s. 893.03.

2 3. Leaving a child without adult supervision or
3 arrangement appropriate for the child's age or mental or
4 physical condition, so that the child is unable to care for
5 the child's own needs or another's basic needs or is unable to
6 exercise good judgment in responding to any kind of physical
7 or emotional crisis.

8 4. Inappropriate or excessively harsh disciplinary
9 action that is likely to result in physical injury, mental
10 injury as defined in this section, or emotional injury. The
11 significance of any injury must be evaluated in light of the
12 following factors: the age of the child; any prior history of
13 injuries to the child; the location of the injury on the body
14 of the child; the multiplicity of the injury; and the type of
15 trauma inflicted. Corporal discipline may be considered
16 excessive or abusive when it results in any of the following
17 or other similar injuries:

- 18 a. Sprains, dislocations, or cartilage damage.
- 19 b. Bone or skull fractures.
- 20 c. Brain or spinal cord damage.
- 21 d. Intracranial hemorrhage or injury to other internal
22 organs.
- 23 e. Asphyxiation, suffocation, or drowning.
- 24 f. Injury resulting from the use of a deadly weapon.
- 25 g. Burns or scalding.
- 26 h. Cuts, lacerations, punctures, or bites.
- 27 i. Permanent or temporary disfigurement.
- 28 j. Permanent or temporary loss or impairment of a body
29 part or function.

30 k. Significant bruises or welts.

31 (b) Commits, or allows to be committed, sexual

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1 battery, as defined in chapter 794, or lewd or lascivious
2 acts, as defined in chapter 800, against the child.

3 (c) Allows, encourages, or forces the sexual
4 exploitation of a child, which includes allowing, encouraging,
5 or forcing a child to:

- 6 1. Solicit for or engage in prostitution; or
- 7 2. Engage in a sexual performance, as defined by
- 8 chapter 827.

9 (d) Exploits a child, or allows a child to be
10 exploited, as provided in s. 450.151.

11 (e) Abandons the child. Within the context of the
12 definition of "harm," the term "abandons the child" means that
13 the parent or legal custodian of a child or, in the absence of
14 a parent or legal custodian, the person responsible for the
15 child's welfare, while being able, makes no provision for the
16 child's support and makes no effort to communicate with the
17 child, which situation is sufficient to evince a willful
18 rejection of parental obligation. If the efforts of ~~the~~ ~~such~~
19 ~~a~~ parent or legal custodian or person primarily responsible
20 for the child's welfare to support and communicate with the
21 child are only marginal efforts that do not evince a settled
22 purpose to assume all parental duties, the child may be
23 determined to have been abandoned. The term "abandoned" does
24 not include an abandoned newborn infant as described in s.
25 383.50.

26 (f) Neglects the child. Within the context of the
27 definition of "harm," the term "neglects the child" means that
28 the parent or other person responsible for the child's welfare
29 fails to supply the child with adequate food, clothing,
30 shelter, or health care, although financially able to do so or
31 although offered financial or other means to do so. However,

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1 a parent or legal custodian who, by reason of the legitimate
2 practice of religious beliefs, does not provide specified
3 medical treatment for a child may not be considered abusive or
4 neglectful for that reason alone, but such an exception does
5 not:

6 1. Eliminate the requirement that such a case be
7 reported to the department;

8 2. Prevent the department from investigating such a
9 case; or

10 3. Preclude a court from ordering, when the health of
11 the child requires it, the provision of medical services by a
12 physician, as defined in this section, or treatment by a duly
13 accredited practitioner who relies solely on spiritual means
14 for healing in accordance with the tenets and practices of a
15 well-recognized church or religious organization.

16 (g) Exposes a child to a controlled substance or
17 alcohol. Exposure to a controlled substance or alcohol is
18 established by:

19 1. Use by the mother of a controlled substance or
20 alcohol during pregnancy when the child, at birth, is
21 demonstrably adversely affected by such usage; or

22 2. Continued chronic and severe use of a controlled
23 substance or alcohol by a parent when the child is
24 demonstrably adversely affected by such usage.

25
26 As used in this paragraph, the term "controlled substance"
27 means prescription drugs not prescribed for the parent or not
28 administered as prescribed and controlled substances as
29 outlined in Schedule I or Schedule II of s. 893.03.

30 (h) Uses mechanical devices, unreasonable restraints,
31 or extended periods of isolation to control a child.

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1 (i) Engages in violent behavior that demonstrates a
2 wanton disregard for the presence of a child and could
3 reasonably result in serious injury to the child.

4 (j) Negligently fails to protect a child in his or her
5 care from inflicted physical, mental, or sexual injury caused
6 by the acts of another.

7 (k) Has allowed a child's sibling to die as a result
8 of abuse, abandonment, or neglect.

9 (l) Makes the child unavailable for the purpose of
10 impeding or avoiding a protective investigation unless the
11 court determines that the parent, legal custodian, or
12 caregiver was fleeing from a situation involving domestic
13 violence.

14 ~~(33)(31)~~ "Institutional child abuse or neglect" means
15 situations of known or suspected child abuse or neglect in
16 which the person allegedly perpetrating the child abuse or
17 neglect is an employee of a private school, public or private
18 day care center, residential home, institution, facility, or
19 agency or any other person at such institution responsible for
20 the child's care.

21 ~~(34)(32)~~ "Judge" means the circuit judge exercising
22 jurisdiction pursuant to this chapter.

23 ~~(35)(33)~~ "Legal custody" means a legal status created
24 by a court ~~order or letter of guardianship~~ which vests in a
25 custodian of the person or guardian, whether an agency or an
26 individual, the right to have physical custody of the child
27 and the right and duty to protect, nurture, guide ~~train~~, and
28 discipline the child and to provide him or her with food,
29 shelter, education, and ordinary medical, dental, psychiatric,
30 and psychological care. ~~The legal custodian is the person or~~
31 ~~entity in whom the legal right to custody is vested. For~~

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1 ~~purposes of this chapter only, when the phrase "parent or~~
 2 ~~legal custodian" is used, it refers to rights or~~
 3 ~~responsibilities of the parent and, only if there is no living~~
 4 ~~parent with intact parental rights, to the rights or~~
 5 ~~responsibilities of the legal custodian who has assumed the~~
 6 ~~role of the parent.~~

7 ~~(34)~~ "Legal guardianship" means a judicially created
 8 ~~relationship between the child and caregiver which is intended~~
 9 ~~to be permanent and self-sustaining and is provided pursuant~~
 10 ~~to the procedures in chapter 744.~~

11 ~~(36)~~~~(35)~~ "Licensed child-caring agency" means a
 12 person, society, association, or agency licensed by the
 13 department to care for, receive, and board children.

14 ~~(37)~~~~(36)~~ "Licensed child-placing agency" means a
 15 person, society, association, or institution licensed by the
 16 department to care for, receive, or board children and to
 17 place children in a licensed child-caring institution or a
 18 foster or adoptive home.

19 ~~(38)~~~~(37)~~ "Licensed health care professional" means a
 20 physician licensed under chapter 458, an osteopathic physician
 21 licensed under chapter 459, a nurse licensed under part I of
 22 chapter 464, a physician assistant licensed under chapter 458
 23 or chapter 459, or a dentist licensed under chapter 466.

24 ~~(39)~~~~(38)~~ "Likely to injure oneself" means that, as
 25 evidenced by violent or other actively self-destructive
 26 behavior, it is more likely than not that within a 24-hour
 27 period the child will attempt to commit suicide or inflict
 28 serious bodily harm on himself or herself.

29 ~~(40)~~~~(39)~~ "Likely to injure others" means that it is
 30 more likely than not that within a 24-hour period the child
 31 will inflict serious and unjustified bodily harm on another

1 person.

2 ~~(40) "Long-term relative custodian" means an adult~~
3 ~~relative who is a party to a long-term custodial relationship~~
4 ~~created by a court order pursuant to this chapter.~~

5 ~~(41) "Long-term custody" or "long-term custodial~~
6 ~~relationship" means the relationship that a juvenile court~~
7 ~~order creates between a child and an adult relative of the~~
8 ~~child or other legal custodian approved by the court when the~~
9 ~~child cannot be placed in the custody of a parent and adoption~~
10 ~~is not deemed to be in the best interest of the child.~~

11 ~~Long-term custody confers upon the relative or other legal~~
12 ~~custodian, other than the department, the right to physical~~
13 ~~custody of the child, a right which will not be disturbed by~~
14 ~~the court except upon request of the legal custodian or upon a~~
15 ~~showing that the best interest of the child necessitates a~~
16 ~~change of custody for the child. A relative or other legal~~
17 ~~custodian who has been designated as a long-term custodian~~
18 ~~shall have all of the rights and duties of a parent,~~
19 ~~including, but not limited to, the right and duty to protect,~~
20 ~~train, and discipline the child and to provide the child with~~
21 ~~food, shelter, and education, and ordinary medical, dental,~~
22 ~~psychiatric, and psychological care, unless these rights and~~
23 ~~duties are otherwise enlarged or limited by the court order~~
24 ~~establishing the long-term custodial relationship.~~

25 ~~(41)(42)~~ "Mediation" means a process whereby a neutral
26 third person called a mediator acts to encourage and
27 facilitate the resolution of a dispute between two or more
28 parties. It is an informal and nonadversarial process with
29 the objective of helping the disputing parties reach a
30 mutually acceptable and voluntary agreement. The role of the
31 mediator includes, but is not limited to, assisting the

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1 parties in identifying issues, fostering joint problem
2 solving, and exploring settlement alternatives.

3 (42)(43) "Mental injury" means an injury to the
4 intellectual or psychological capacity of a child as evidenced
5 by a discernible and substantial impairment in the ability to
6 function within the normal range of performance and behavior.

7 (43)(44) "Necessary medical treatment" means care
8 which is necessary within a reasonable degree of medical
9 certainty to prevent the deterioration of a child's condition
10 or to alleviate immediate pain of a child.

11 (44)(45) "Neglect" occurs when a child is deprived of,
12 or is allowed to be deprived of, necessary food, clothing,
13 shelter, or medical treatment or a child is permitted to live
14 in an environment when such deprivation or environment causes
15 the child's physical, mental, or emotional health to be
16 significantly impaired or to be in danger of being
17 significantly impaired. The foregoing circumstances shall not
18 be considered neglect if caused primarily by financial
19 inability unless actual services for relief have been offered
20 to and rejected by such person. A parent or legal custodian
21 legitimately practicing religious beliefs in accordance with a
22 recognized church or religious organization who thereby does
23 not provide specific medical treatment for a child may ~~shall~~
24 not, for that reason alone, be considered a negligent parent
25 or legal custodian; however, such an exception does not
26 preclude a court from ordering the following services to be
27 provided, when the health of the child so requires:

28 (a) Medical services from a licensed physician,
29 dentist, optometrist, podiatric physician, or other qualified
30 health care provider; or

31 (b) Treatment by a duly accredited practitioner who

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1 relies solely on spiritual means for healing in accordance
2 with the tenets and practices of a well-recognized church or
3 religious organization.

4

5 Neglect of a child includes acts or omissions.

6 ~~(45)(46)~~ "Next of kin" means an adult relative of a
7 child who is the child's brother, sister, grandparent, aunt,
8 uncle, or first cousin.

9 ~~(46)(47)~~ "Other person responsible for a child's
10 welfare" includes the child's legal guardian, ~~legal custodian,~~
11 or foster parent; an employee of a private school, public or
12 private child day care center, residential home, institution,
13 facility, or agency; or any other person legally responsible
14 for the child's welfare in a residential setting; and also
15 includes an adult sitter or relative entrusted with a child's
16 care. For the purpose of departmental investigative
17 jurisdiction, this definition does not include law enforcement
18 officers, or employees of municipal or county detention
19 facilities or the Department of Corrections, while acting in
20 an official capacity.

21 ~~(47)(48)~~ "Out-of-home" means a placement outside of
22 the home of the parents or a parent.

23 ~~(48)(49)~~ "Parent" means a woman who gives birth to a
24 child and a man who was married to the mother at the time the
25 child was conceived or born, who has been determined by a
26 court to be the father of the child, who has filed an
27 affidavit of paternity under s. 382.013(2), or who has claimed
28 to be the father of the child and has provided, or has
29 attempted to provide, the child, or the mother during her
30 pregnancy, with support in a repetitive, customary manner
31 ~~whose consent to the adoption of the child would be required~~

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1 ~~under s. 63.062(1)~~. If a child has been legally adopted, the
 2 term "parent" means the adoptive mother or father of the
 3 child. The term does not include an individual whose parental
 4 relationship to the child has been legally terminated, or an
 5 alleged or prospective parent, unless the parental status
 6 falls within the terms of s. 39.503(1) or this subsection ~~s.~~
 7 ~~63.062(1)~~. For purposes of this chapter only, when the phrase
 8 "parent or legal custodian" is used, it refers to rights or
 9 responsibilities of the parent and, only if there is no living
 10 parent with intact parental rights, to the rights or
 11 responsibilities of the legal custodian who has assumed the
 12 role of the parent.

13 ~~(49)(50)~~ "Participant," for purposes of a shelter
 14 proceeding, dependency proceeding, or termination of parental
 15 rights proceeding, means any person who is not a party but who
 16 should receive notice of hearings involving the child,
 17 including the actual custodian of the child, the foster
 18 parents or the legal custodian of the child, identified
 19 prospective parents, ~~grandparents entitled to priority for~~
 20 ~~adoption consideration under s. 63.0425, actual custodians of~~
 21 ~~the child,~~ and any other person whose participation may be in
 22 the best interest of the child. A community-based agency under
 23 contract with the department to provide protective services
 24 may be designated as a participant at the discretion of the
 25 court. Participants may be granted leave by the court to be
 26 heard without the necessity of filing a motion to intervene.

27 ~~(50)(51)~~ "Party" means the parent or parents of the
 28 child, the petitioner, the department, the guardian ad litem
 29 or the representative of the guardian ad litem program when
 30 the program has been appointed, and the child. The presence of
 31 the child may be excused by order of the court when presence

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1 would not be in the child's best interest. Notice to the child
2 may be excused by order of the court when the age, capacity,
3 or other condition of the child is such that the notice would
4 be meaningless or detrimental to the child.

5 (51) "Permanency goal" means the living arrangement
6 identified for the child to return to or identified as the
7 permanent living arrangement of the child. Permanency goals
8 applicable under this chapter are:

9 (a) Reunification;

10 (b) Adoption when a petition for termination of
11 parental rights has been or will be filed;

12 (c) Permanent guardianship of a dependent child under
13 s. 39.6221;

14 (d) Permanent placement with a fit and willing
15 relative under s. 39.6231; or

16 (e) Placement in another planned permanent living
17 arrangement under s. 39.6241.

18
19 The permanency goal is also the case plan goal. If concurrent
20 case planning is being used, reunification may be pursued at
21 the same time that another permanency goal is pursued.

22 (52) "Permanency plan" means the plan that establishes
23 the placement intended to serve as the child's permanent home.

24 (53) "Permanent guardian" means the relative or other
25 adult in a permanent guardianship of a dependent child under
26 s. 39.6221.

27 (54) "Permanent guardianship of a dependent child"
28 means a legal relationship that a court creates under s.
29 39.6221 between a child and a relative or other adult approved
30 by the court which is intended to be permanent and
31 self-sustaining through the transfer of parental rights with

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1 respect to the child relating to protection, education, care
2 and control of the person, custody of the person, and
3 decisionmaking on behalf of the child.

4 ~~(55)(52)~~ "Physical injury" means death, permanent or
5 temporary disfigurement, or impairment of any bodily part.

6 ~~(56)(53)~~ "Physician" means any licensed physician,
7 dentist, podiatric physician, or optometrist and includes any
8 intern or resident.

9 ~~(57)(54)~~ "Preliminary screening" means the gathering
10 of preliminary information to be used in determining a child's
11 need for further evaluation or assessment or for referral for
12 other substance abuse services through means such as
13 psychosocial interviews; urine and breathalyzer screenings;
14 and reviews of available educational, delinquency, and
15 dependency records of the child.

16 ~~(58)(55)~~ "Preventive services" means social services
17 and other supportive and rehabilitative services provided to
18 the parent or legal custodian of the child and to the child
19 for the purpose of averting the removal of the child from the
20 home or disruption of a family which will or could result in
21 the placement of a child in foster care. Social services and
22 other supportive and rehabilitative services shall promote the
23 child's need for physical, mental, and emotional health and a
24 safe, stable, living environment, shall promote family
25 autonomy, and shall strengthen family life, whenever possible.

26 ~~(59)(56)~~ "Prospective parent" means a person who
27 claims to be, or has been identified as, a person who may be a
28 mother or a father of a child.

29 ~~(60)(57)~~ "Protective investigation" means the
30 acceptance of a report alleging child abuse, abandonment, or
31 neglect, as defined in this chapter, by the central abuse

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1 hotline or the acceptance of a report of other dependency by
 2 the department; the investigation of each report; the
 3 determination of whether action by the court is warranted; the
 4 determination of the disposition of each report without court
 5 or public agency action when appropriate; and the referral of
 6 a child to another public or private agency when appropriate.

7 ~~(61)(58)~~ "Protective investigator" means an authorized
 8 agent of the department who receives and investigates reports
 9 of child abuse, abandonment, or neglect; who, as a result of
 10 the investigation, may recommend that a dependency petition be
 11 filed for the child; and who performs other duties necessary
 12 to carry out the required actions of the protective
 13 investigation function.

14 ~~(62)(59)~~ "Protective supervision" means a legal status
 15 in dependency cases which permits the child to remain safely
 16 in his or her own home or other nonlicensed placement under
 17 the supervision of an agent of the department and which must
 18 be reviewed by the court during the period of supervision.

19 ~~(63)(60)~~ "Relative" means a grandparent,
 20 great-grandparent, sibling, first cousin, aunt, uncle,
 21 great-aunt, great-uncle, niece, or nephew, whether related by
 22 the whole or half blood, by affinity, or by adoption. The term
 23 does not include a stepparent.

24 ~~(64)(61)~~ "Reunification services" means social
 25 services and other supportive and rehabilitative services
 26 provided to the parent of the child, to the child, and, where
 27 appropriate, to the relative placement, nonrelative placement,
 28 or foster parents of the child, for the purpose of enabling a
 29 child who has been placed in out-of-home care to safely return
 30 to his or her parent at the earliest possible time. The
 31 health and safety of the child shall be the paramount goal of

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1 social services and other supportive and rehabilitative
 2 services. The ~~Such~~ services shall promote the child's need for
 3 physical, mental, and emotional health and a safe, stable,
 4 living environment, shall promote family autonomy, and shall
 5 strengthen family life, whenever possible.

6 ~~(65)(62)~~ "Secretary" means the Secretary of Children
 7 and Family Services.

8 ~~(66)(63)~~ "Sexual abuse of a child" means one or more
 9 of the following acts:

10 (a) Any penetration, however slight, of the vagina or
 11 anal opening of one person by the penis of another person,
 12 whether or not there is the emission of semen.

13 (b) Any sexual contact between the genitals or anal
 14 opening of one person and the mouth or tongue of another
 15 person.

16 (c) Any intrusion by one person into the genitals or
 17 anal opening of another person, including the use of any
 18 object for this purpose, except that this does not include any
 19 act intended for a valid medical purpose.

20 (d) The intentional touching of the genitals or
 21 intimate parts, including the breasts, genital area, groin,
 22 inner thighs, and buttocks, or the clothing covering them, of
 23 either the child or the perpetrator, except that this does not
 24 include:

25 1. Any act which may reasonably be construed to be a
 26 normal caregiver responsibility, any interaction with, or
 27 affection for a child; or

28 2. Any act intended for a valid medical purpose.

29 (e) The intentional masturbation of the perpetrator's
 30 genitals in the presence of a child.

31 (f) The intentional exposure of the perpetrator's

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1 genitals in the presence of a child, or any other sexual act
2 intentionally perpetrated in the presence of a child, if such
3 exposure or sexual act is for the purpose of sexual arousal or
4 gratification, aggression, degradation, or other similar
5 purpose.

6 (g) The sexual exploitation of a child, which includes
7 allowing, encouraging, or forcing a child to:

- 8 1. Solicit for or engage in prostitution; or
 - 9 2. Engage in a sexual performance, as defined by
- 10 chapter 827.

11 ~~(67)(64)~~ "Shelter" means a placement with a relative
12 or a nonrelative, or in a licensed home or facility, for the
13 temporary care of a child who is alleged to be or who has been
14 found to be dependent, pending court disposition before or
15 after adjudication.

16 ~~(68)(65)~~ "Shelter hearing" means a hearing in which
17 the court determines whether probable cause exists to keep a
18 child in shelter status pending further investigation of the
19 case.

20 ~~(69)(66)~~ "Social service agency" means the department,
21 a licensed child-caring agency, or a licensed child-placing
22 agency.

23 ~~(70)(67)~~ "Substance abuse" means using, without
24 medical reason, any psychoactive or mood-altering drug,
25 including alcohol, in such a manner as to induce impairment
26 resulting in dysfunctional social behavior.

27 ~~(71)(68)~~ "Substantial compliance" means that the
28 circumstances which caused the creation of the case plan have
29 been significantly remedied to the extent that the well-being
30 and safety of the child will not be endangered upon the
31 child's remaining with or being returned to the child's

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1 parent.

2 ~~(72)(69)~~ "Taken into custody" means the status of a
3 child immediately when temporary physical control over the
4 child is attained by a person authorized by law, pending the
5 child's release or placement.

6 ~~(73)(70)~~ "Temporary legal custody" means the
7 relationship that a ~~juvenile~~ court creates between a child and
8 an adult relative of the child, legal custodian, agency, or
9 other person approved by the court until a more permanent
10 arrangement is ordered. Temporary legal custody confers upon
11 the custodian the right to have temporary physical custody of
12 the child and the right and duty to protect, nurture, guide
13 ~~train~~, and discipline the child and to provide the child with
14 food, shelter, and education, and ordinary medical, dental,
15 psychiatric, and psychological care, unless these rights and
16 duties are otherwise enlarged or limited by the court order
17 establishing the temporary legal custody relationship.

18 ~~(74)(71)~~ "Victim" means any child who has sustained or
19 is threatened with physical, mental, or emotional injury
20 identified in a report involving child abuse, neglect, or
21 abandonment, or child-on-child sexual abuse.

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

28 Section 2. Subsection (15) is added to section
29 39.0121, Florida Statutes, to read:

30 39.0121 Specific rulemaking authority.--Pursuant to
31 the requirements of s. 120.536, the department is specifically

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1 authorized to adopt, amend, and repeal administrative rules
2 which implement or interpret law or policy, or describe the
3 procedure and practice requirements necessary to implement
4 this chapter, including, but not limited to, the following:

5 (15) Provision for making available to all physical
6 custodians and family services counselors the information
7 required by s. 39.6012(2) and for ensuring that this
8 information follows the child until permanency has been
9 achieved.

10 Section 3. Section 39.013, Florida Statutes, is
11 amended to read:

12 39.013 Procedures and jurisdiction; right to
13 counsel.--

14 (1) All procedures, including petitions, pleadings,
15 subpoenas, summonses, and hearings, in this chapter shall be
16 conducted according to the Florida Rules of Juvenile Procedure
17 unless otherwise provided by law. Parents must be informed by
18 the court of their right to counsel in dependency proceedings
19 at each stage of the dependency proceedings. Parents who are
20 unable to afford counsel must be appointed counsel.

21 (2) The circuit court has ~~shall have~~ exclusive
22 original jurisdiction of all proceedings under this chapter,
23 of a child voluntarily placed with a licensed child-caring
24 agency, a licensed child-placing agency, or the department,
25 and of the adoption of children whose parental rights have
26 been terminated under this chapter. Jurisdiction attaches when
27 the initial shelter petition, dependency petition, or
28 termination of parental rights petition is filed or when a
29 child is taken into the custody of the department. The circuit
30 court may assume jurisdiction over any such proceeding

31 regardless of whether the child was in the physical custody of

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1 both parents, was in the sole legal or physical custody of
2 only one parent, caregiver, or some other person, or was in
3 the physical or legal custody of no person when the event or
4 condition occurred that brought the child to the attention of
5 the court. When the court obtains jurisdiction of any child
6 who has been found to be dependent, the court shall retain
7 jurisdiction, unless relinquished by its order, until the
8 child reaches 18 years of age. However, if a youth petitions
9 the court at any time before his or her 19th birthday
10 requesting the court's continued jurisdiction, the juvenile
11 court may retain jurisdiction under this chapter for a period
12 not to exceed 1 year following the youth's 18th birthday for
13 the purpose of determining whether appropriate aftercare
14 support, Road-to-Independence Scholarship, transitional
15 support, mental health, and developmental disability services,
16 to the extent otherwise authorized by law, have been provided
17 to the formerly dependent child who was in the legal custody
18 of the department immediately before his or her 18th birthday.
19 If a petition for special immigrant juvenile status and an
20 application for adjustment of status have been filed on behalf
21 of a foster child and the petition and application have not
22 been granted by the time the child reaches 18 years of age,
23 the court may retain jurisdiction over the dependency case
24 solely for the purpose of allowing the continued consideration
25 of the petition and application by federal authorities. Review
26 hearings for the child shall be set solely for the purpose of
27 determining the status of the petition and application. The
28 court's jurisdiction terminates upon the final decision of the
29 federal authorities. Retention of jurisdiction in this
30 instance does not affect the services available to a young
31 adult under s. 409.1451. The court may not retain jurisdiction

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1 of the case after the immigrant child's 22nd birthday.

2 (3) When a child is under the jurisdiction of the
3 circuit court pursuant to ~~the provisions of this chapter~~, the
4 circuit court assigned to handle dependency matters may
5 exercise the general and equitable jurisdiction over
6 guardianship proceedings under ~~pursuant to the provisions of~~
7 chapter 744 and proceedings for temporary custody of minor
8 children by extended family under ~~pursuant to the provisions~~
9 ~~of~~ chapter 751.

10 (4) Orders entered pursuant to this chapter which
11 affect the placement of, access to, parental time with,
12 adoption of, or parental rights and responsibilities for a
13 minor child shall take precedence over other orders entered in
14 civil actions or proceedings. However, if the court has
15 terminated jurisdiction, the ~~such~~ order may be subsequently
16 modified by a court of competent jurisdiction in any other
17 civil action or proceeding affecting placement of, access to,
18 parental time with, adoption of, or parental rights and
19 responsibilities for the same minor child.

20 (5) The court shall expedite the resolution of the
21 placement issue in cases involving a child who has been
22 removed from the parent and placed in an out-of-home
23 placement.

24 (6) The court shall expedite the judicial handling of
25 all cases when the child has been removed from the parent and
26 placed in an out-of-home placement.

27 (7) Children removed from their homes shall be
28 provided equal treatment with respect to goals, objectives,
29 services, and case plans, without regard to the location of
30 their placement.

31 (8) For any child who remains in the custody of the

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1 department, the court shall, within the month which
 2 constitutes the beginning of the 6-month period before the
 3 child's 18th birthday, hold a hearing to review the progress
 4 of the child while in the custody of the department.

5 (9)(a) At each stage of the proceedings under this
 6 chapter, the court shall advise the parents of the right to
 7 counsel. The court shall appoint counsel for indigent parents.
 8 The court shall ascertain whether the right to counsel is
 9 understood. When right to counsel is waived, the court shall
 10 determine whether the waiver is knowing and intelligent. The
 11 court shall enter its findings in writing with respect to the
 12 appointment or waiver of counsel for indigent parents or the
 13 waiver of counsel by nonindigent parents.

14 (b) Once counsel has entered an appearance or been
 15 appointed by the court to represent the parent of the child,
 16 the attorney shall continue to represent the parent throughout
 17 the proceedings. If the attorney-client relationship is
 18 discontinued, the court shall advise the parent of the right
 19 to have new counsel retained or appointed for the remainder of
 20 the proceedings.

21 (c)1. ~~A~~ A ~~NO~~ waiver of counsel may not be accepted if it
 22 appears that the parent is unable to make an intelligent and
 23 understanding choice because of mental condition, age,
 24 education, experience, the nature or complexity of the case,
 25 or other factors.

26 2. A waiver of counsel made in court must be of
 27 record.

28 3. If a waiver of counsel is accepted at any hearing
 29 or proceeding, the offer of assistance of counsel must be
 30 renewed by the court at each subsequent stage of the
 31 proceedings at which the parent appears without counsel.

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1 (d) This subsection does not apply to any parent who
2 has voluntarily executed a written surrender of the child and
3 consents to the entry of a court order terminating parental
4 rights.

5 ~~(10) The time limitations in this chapter do not~~
6 ~~include:~~

7 ~~(a) Periods of delay resulting from a continuance~~
8 ~~granted at the request or with the consent of the child's~~
9 ~~counsel or the child's guardian ad litem, if one has been~~
10 ~~appointed by the court, or, if the child is of sufficient~~
11 ~~capacity to express reasonable consent, at the request or with~~
12 ~~the consent of the child.~~

13 ~~(b) Periods of delay resulting from a continuance~~
14 ~~granted at the request of any party, if the continuance is~~
15 ~~granted:~~

16 ~~1. Because of an unavailability of evidence material~~
17 ~~to the case when the requesting party has exercised due~~
18 ~~diligence to obtain such evidence and there are substantial~~
19 ~~grounds to believe that such evidence will be available within~~
20 ~~30 days. However, if the requesting party is not prepared to~~
21 ~~proceed within 30 days, any other party, inclusive of the~~
22 ~~parent or legal custodian, may move for issuance of an order~~
23 ~~to show cause or the court on its own motion may impose~~
24 ~~appropriate sanctions, which may include dismissal of the~~
25 ~~petition.~~

26 ~~2. To allow the requesting party additional time to~~
27 ~~prepare the case and additional time is justified because of~~
28 ~~an exceptional circumstance.~~

29 ~~(c) Reasonable periods of delay necessary to~~
30 ~~accomplish notice of the hearing to the child's parent or~~
31 ~~legal custodian; however, the petitioner shall continue~~

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1 ~~regular efforts to provide notice to the parents during such~~
2 ~~periods of delay.~~

3 ~~(d) Reasonable periods of delay resulting from a~~
4 ~~continuance granted at the request of the parent or legal~~
5 ~~custodian of a subject child.~~

6 ~~(e) Notwithstanding the foregoing, continuances and~~
7 ~~extensions of time are limited to the number of days~~
8 ~~absolutely necessary to complete a necessary task in order to~~
9 ~~preserve the rights of a party or the best interests of a~~
10 ~~child. Time is of the essence for the best interests of~~
11 ~~dependent children in conducting dependency proceedings in~~
12 ~~accordance with the time limitations set forth in this~~
13 ~~chapter. Time limitations are a right of the child which may~~
14 ~~not be waived, extended, or continued at the request of any~~
15 ~~party in advance of the particular circumstances or need~~
16 ~~arising upon which delay of the proceedings may be warranted.~~

17 ~~(f) Continuances or extensions of time may not total~~
18 ~~more than 60 days for all parties within any 12-month period~~
19 ~~during proceedings under this chapter. A continuance or~~
20 ~~extension of time beyond the 60 days may be granted only for~~
21 ~~extraordinary circumstances necessary to preserve the~~
22 ~~constitutional rights of a party or when substantial evidence~~
23 ~~demonstrates that the child's best interests will be~~
24 ~~affirmatively harmed without the granting of a continuance or~~
25 ~~extension of time.~~

26 ~~(10)(11)~~ Court-appointed counsel representing indigent
27 parents at shelter hearings shall be paid from state funds
28 appropriated by general law.

29 ~~(11)(12)~~ The court shall encourage the Statewide
30 Guardian Ad Litem Office to provide greater representation to
31 those children who are within 1 year of transferring out of

1 foster care.

2 Section 4. Section 39.0136, Florida Statutes, is
3 created to read:

4 39.0136 Time limitations; continuances.--

5 (1) The Legislature finds that time is of the essence
6 for establishing permanency for a child in the dependency
7 system. Time limitations are a right of the child which may
8 not be waived, extended, or continued at the request of any
9 party except as provided in this section.

10 (2) The time limitations in this chapter do not
11 include:

12 (a) Periods of delay resulting from a continuance
13 granted at the request of the child's counsel or the child's
14 guardian ad litem or, if the child is of sufficient capacity
15 to express reasonable consent, at the request or with the
16 consent of the child. The court must consider the best
17 interests of the child when determining periods of delay under
18 this section.

19 (b) Periods of delay resulting from a continuance
20 granted at the request of any party if the continuance is
21 granted:

22 1. Because of an unavailability of evidence that is
23 material to the case if the requesting party has exercised due
24 diligence to obtain evidence and there are substantial grounds
25 to believe that the evidence will be available within 30 days.
26 However, if the requesting party is not prepared to proceed
27 within 30 days, any other party may move for issuance of an
28 order to show cause or the court on its own motion may impose
29 appropriate sanctions, which may include dismissal of the
30 petition.

31 2. To allow the requesting party additional time to

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1 prepare the case and additional time is justified because of
2 an exceptional circumstance.

3 (c) Reasonable periods of delay necessary to
4 accomplish notice of the hearing to the child's parent or
5 legal custodian; however, the petitioner shall continue
6 regular efforts to provide notice to the parents during the
7 periods of delay.

8 (3) Notwithstanding subsection (2), in order to
9 expedite permanency for a child, the total time allowed for
10 continuances or extensions of time may not exceed 60 days
11 within any 12-month period for proceedings conducted under
12 this chapter. A continuance or extension of time may be
13 granted only for extraordinary circumstances in which it is
14 necessary to preserve the constitutional rights of a party or
15 if substantial evidence exists to demonstrate that without
16 granting a continuance or extension of time the child's best
17 interests will be harmed.

18 (4) Notwithstanding subsection (2), a continuance or
19 an extension of time is limited to the number of days
20 absolutely necessary to complete a necessary task in order to
21 preserve the rights of a party or the best interests of a
22 child.

23 Section 5. Section 39.0137, Florida Statutes, is
24 created to read:

25 39.0137 Federal law; rulemaking authority.--

26 (1) This chapter does not supersede the requirements
27 of the Indian Child Welfare Act, 25 U.S.C. ss. 1901, et seq.,
28 or the Multi-Ethnic Placement Act of 1994, Pub. L. No.
29 103-382, as amended, or the implementing regulations.

30 (2) The department shall adopt rules no later than
31 July 1, 2007, to ensure that the provisions of these federal

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1 laws are enforced in this state. The department is encouraged
2 to enter into agreements with recognized American Indian
3 tribes in order to facilitate the implementation of the Indian
4 Child Welfare Act.

5 Section 6. Section 39.0138, Florida Statutes, is
6 created to read:

7 39.0138 Requirements for placement of children;
8 exemptions from disqualification.--

9 (1)(a) The department may conduct criminal record
10 checks equivalent to the level 2 screening required in s.
11 435.04 for any person being considered by the department for
12 approval for placement of a child subject to a placement
13 decision under this chapter. Approval for placement with any
14 person other than a parent may not be granted in any case in
15 which a record check reveals a felony conviction in a court of
16 competent jurisdiction for:

17 1. Child abuse, abandonment, or neglect; spousal
18 abuse; a crime against children, including child pornography,
19 or a crime involving violence, including sexual battery,
20 sexual assault, or homicide, but not including other physical
21 assault or battery, if the felony was committed at any time;
22 or

23 2. Physical assault, battery, or a drug-related
24 offense if the felony was committed within the past 5 years.

25 (b) Notwithstanding paragraph (a), the department may
26 place a child in a home that otherwise meets placement
27 requirements if state and local criminal record checks do not
28 disqualify the applicant and if the department has submitted
29 fingerprint information to the Department of Law Enforcement
30 for forwarding to the Federal Bureau of Investigation and is
31 awaiting the results of the federal criminal records check.

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1 (c) Persons with whom placement of a child is being
 2 considered or approved must disclose to the department any
 3 prior or pending local, state, or federal criminal proceedings
 4 in which they are or have been involved.

5 (d) The results of any background check of a parent
 6 conducted under this section must be considered in determining
 7 whether placement with the parent will jeopardize the safety
 8 of the child being placed.

9 (2)(a) The court may review the decision of the
 10 department to grant or deny the placement of a child based on
 11 a criminal offense upon the motion of any party, the request
 12 of any person who has been denied the placement by the
 13 department, or on its own motion. The court shall prepare
 14 written findings to support its decision in this matter.

15 (b) A person who is seeking placement of a child
 16 following denial by the department based on a disqualifying
 17 criminal offense has the burden of setting forth sufficient
 18 evidence of rehabilitation, including, but not limited to, the
 19 circumstances surrounding the incident for which an exemption
 20 from disqualification is sought, the time that has elapsed
 21 since the incident, the nature of the harm caused to the
 22 victim, the history of the person since the incident, and any
 23 other evidence or circumstances indicating that the person
 24 will not present a danger if the placement of the child is
 25 allowed.

26 Section 7. Paragraph (a) of subsection (1), paragraph
 27 (a) of subsection (2), and subsection (5) of section 39.201,
 28 Florida Statutes, are amended to read:

29 39.201 Mandatory reports of child abuse, abandonment,
 30 or neglect; mandatory reports of death; central abuse
 31 hotline.--

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1 (1)(a) Any person who knows, or has reasonable cause
 2 to suspect, that a child is abused, abandoned, or neglected by
 3 a parent, legal custodian, caregiver, or other person
 4 responsible for the child's welfare, as defined in this
 5 chapter, or that a child is in need of supervision and care
 6 and has no parent, legal custodian, or responsible adult
 7 relative immediately known and available to provide
 8 supervision and care shall report such knowledge or suspicion
 9 to the department in the manner prescribed in subsection (2).

10 (2)(a) Each report of known or suspected child abuse,
 11 abandonment, or neglect by a parent, legal custodian,
 12 caregiver, or other person responsible for the child's welfare
 13 as defined in this chapter, except those solely under s.
 14 827.04(3), and each report that a child is in need of
 15 supervision and care and has no parent, legal custodian, or
 16 responsible adult relative immediately known and available to
 17 provide supervision and care shall be made immediately to the
 18 department's central abuse hotline on the single statewide
 19 toll-free telephone number. Personnel at the department's
 20 central abuse hotline shall determine if the report received
 21 meets the statutory definition of child abuse, abandonment, or
 22 neglect. Any report meeting one of these definitions shall be
 23 accepted for the protective investigation pursuant to part III
 24 of this chapter.

25 (5) The department shall be capable of receiving and
 26 investigating, 24 hours a day, 7 days a week, reports of known
 27 or suspected child abuse, abandonment, or neglect and reports
 28 that a child is in need of supervision and care and has no
 29 parent, legal custodian, or responsible adult relative
 30 immediately known and available to provide supervision and
 31 care ~~24 hours a day, 7 days a week~~. If it appears that the

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1 immediate safety or well-being of a child is endangered, that
2 the family may flee or the child will be unavailable for
3 purposes of conducting a child protective investigation, or
4 that the facts otherwise so warrant, the department shall
5 commence an investigation immediately, regardless of the time
6 of day or night. In all other child abuse, abandonment, or
7 neglect cases, a child protective investigation shall be
8 commenced within 24 hours after receipt of the report. In an
9 institutional investigation, the alleged perpetrator may be
10 represented by an attorney, at his or her own expense, or
11 accompanied by another person, if the person or the attorney
12 executes an affidavit of understanding with the department and
13 agrees to comply with the confidentiality provisions of s.
14 39.202. The absence of an attorney or other person does not
15 prevent the department from proceeding with other aspects of
16 the investigation, including interviews with other persons. In
17 institutional child abuse cases when the institution is not
18 operating and the child cannot otherwise be located, the
19 investigation shall commence immediately upon the resumption
20 of operation. If requested by a state attorney or local law
21 enforcement agency, the department shall furnish all
22 investigative reports to that agency.

23 Section 8. Subsections (1), (2), (5), and (22) of
24 section 39.301, Florida Statutes, are amended, and subsection
25 (23) is added to that section, to read:

26 39.301 Initiation of protective investigations.--

27 (1) Upon receiving an oral or written report of known
28 or suspected child abuse, abandonment, or neglect, or that a
29 child is in need of supervision and care and has no parent,
30 legal custodian, or responsible adult relative immediately
31 known and available to provide supervision and care, the

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1 central abuse hotline shall determine if the report requires
 2 an immediate onsite protective investigation. For reports
 3 requiring an immediate onsite protective investigation, the
 4 central abuse hotline shall immediately notify the
 5 department's designated children and families district staff
 6 responsible for protective investigations to ensure that an
 7 onsite investigation is promptly initiated. For reports not
 8 requiring an immediate onsite protective investigation, the
 9 central abuse hotline shall notify the department's designated
 10 children and families district staff responsible for
 11 protective investigations in sufficient time to allow for an
 12 investigation. At the time of notification of district staff
 13 with respect to the report, the central abuse hotline shall
 14 also provide information on any previous report concerning a
 15 subject of the present report or any pertinent information
 16 relative to the present report or any noted earlier reports.

17 (2)(a) The department shall immediately forward
 18 allegations of criminal conduct to the municipal or county law
 19 enforcement agency of the municipality or county in which the
 20 alleged conduct has occurred.

21 (b) As used in this subsection, the term "criminal
 22 conduct" means:

23 1. A child is known or suspected to be the victim of
 24 child abuse, as defined in s. 827.03, or of neglect of a
 25 child, as defined in s. 827.03.

26 2. A child is known or suspected to have died as a
 27 result of abuse or neglect.

28 3. A child is known or suspected to be the victim of
 29 aggravated child abuse, as defined in s. 827.03.

30 4. A child is known or suspected to be the victim of
 31 sexual battery, as defined in s. 827.071, or of sexual abuse,

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1 as defined in s. 39.01.

2 5. A child is known or suspected to be the victim of
3 institutional child abuse or neglect, as defined in s. 39.01,
4 and as provided for in s. 39.302(1).

5 6. A child is known or suspected to be a victim of
6 human trafficking, as provided in s. 787.06.

7 (c) Upon receiving a written report of an allegation
8 of criminal conduct from the department, the law enforcement
9 agency shall review the information in the written report to
10 determine whether a criminal investigation is warranted. If
11 the law enforcement agency accepts the case for criminal
12 investigation, it shall coordinate its investigative
13 activities with the department, whenever feasible. If the law
14 enforcement agency does not accept the case for criminal
15 investigation, the agency shall notify the department in
16 writing.

17 (d) The local law enforcement agreement required in s.
18 39.306 shall describe the specific local protocols for
19 implementing this section.

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

- 23 1. The names of the investigators and identifying
24 credentials from the department.
- 25 2. The purpose of the investigation.
- 26 3. The right to obtain his or her own attorney and
27 ways that the information provided by the subject may be used.
- 28 4. The possible outcomes and services of the
29 department's response shall be explained to the parent or
30 legal custodian.

31 5. The right of the parent or legal custodian to be

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1 involved to the fullest extent possible in determining the
2 nature of the allegation and the nature of any identified
3 problem.

4 6. The duty of the parent or legal custodian to report
5 any change in the residence or location of the child to the
6 investigator and that the duty to report continues until the
7 investigation is closed.

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

13 (22) When an investigation is closed and a person is
14 not identified as a caregiver responsible for the abuse,
15 neglect, or abandonment alleged in the report, the fact that
16 the person is named in some capacity in the report may not be
17 used in any way to adversely affect the interests of that
18 person. This prohibition applies to any use of the information
19 in employment screening, licensing, child placement, adoption,
20 or any other decisions by a private adoption agency or a state
21 agency or its contracted providers, except that a previous
22 report may be used to determine whether a child is safe and
23 what the known risk is to the child at any stage of a
24 child-protection proceeding.

25 (23) If, after having been notified of the requirement
26 to report a change in residence or location of the child to
27 the protective investigator, a parent or legal custodian
28 causes the child to move, or allows the child to be moved, to
29 a different residence or location, or if the child leaves the
30 residence on his or her own accord and the parent or legal
31 custodian does not notify the protective investigator of the

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1 move within 2 business days, the child may be considered to be
2 a missing child for the purposes of filing a report with a law
3 enforcement agency under s. 937.021.

4 Section 9. Subsection (2) of section 39.303, Florida
5 Statutes, is amended to read:

6 39.303 Child protection teams; services; eligible
7 cases.--The Children's Medical Services Program in the
8 Department of Health shall develop, maintain, and coordinate
9 the services of one or more multidisciplinary child protection
10 teams in each of the service districts of the Department of
11 Children and Family Services. Such teams may be composed of
12 appropriate representatives of school districts and
13 appropriate health, mental health, social service, legal
14 service, and law enforcement agencies. The Legislature finds
15 that optimal coordination of child protection teams and sexual
16 abuse treatment programs requires collaboration between the
17 Department of Health and the Department of Children and Family
18 Services. The two departments shall maintain an interagency
19 agreement that establishes protocols for oversight and
20 operations of child protection teams and sexual abuse
21 treatment programs. The Secretary of Health and the Deputy
22 Secretary for Children's Medical Services, in consultation
23 with the Secretary of Children and Family Services, shall
24 maintain the responsibility for the screening, employment,
25 and, if necessary, the termination of child protection team
26 medical directors, at headquarters and in the 15 districts.
27 Child protection team medical directors shall be responsible
28 for oversight of the teams in the districts.

29 (2) The child abuse, abandonment, and neglect reports
30 that must be referred by the department ~~of Children and Family~~
31 ~~Services~~ to child protection teams of the Department of Health

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1 for an assessment and other appropriate available support
2 services as set forth in subsection (1) must include cases
3 involving:

4 (a) Injuries to the head, bruises to the neck or head,
5 burns, or fractures in a child of any age.

6 (b) Bruises anywhere on a child 5 years of age or
7 under.

8 (c) Any report alleging sexual abuse of a child in
9 ~~which vaginal or anal penetration is alleged or in which other~~
10 ~~unlawful sexual conduct has been determined to have occurred.~~

11 (d) Any sexually transmitted disease in a prepubescent
12 child.

13 (e) Reported malnutrition of a child and failure of a
14 child to thrive.

15 (f) Reported medical neglect of a child.

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

21 (h) Symptoms of serious emotional problems in a child
22 when emotional or other abuse, abandonment, or neglect is
23 suspected.

24 Section 10. Subsections (10) and (16) of section
25 39.402, Florida Statutes, are amended, and subsections (17)
26 and (18) are added to that section, to read:

27 39.402 Placement in a shelter.--

28 (10)(a) The shelter hearing order shall contain a
29 written determination as to whether the department has made a
30 reasonable effort to prevent or eliminate the need for removal
31 or continued removal of the child from the home. This

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1 determination must include a description of which specific
2 services, if available, could prevent or eliminate the need
3 for removal or continued removal from the home and the date by
4 which the services are expected to become available.

5 (b) If services are not available to prevent or
6 eliminate the need for removal or continued removal of the
7 child from the home, the written determination must also
8 contain an explanation describing why the services are not
9 available for the child.

10 (c) If the department has not made ~~such~~ an effort to
11 prevent or eliminate the need for removal, the court shall
12 order the department to provide appropriate and available
13 services to ensure the protection of the child in the home
14 when ~~the~~ ~~such~~ services are necessary for the child's health
15 and safety.

16 (16) At the conclusion of a shelter hearing, the court
17 shall:

18 (a) Notify all parties in writing of the next
19 scheduled hearing to review the shelter placement. ~~The~~ ~~Such~~
20 hearing shall be held no later than 30 days after placement of
21 the child in shelter status, in conjunction with the
22 arraignment hearing, and at such times as are otherwise
23 provided by law or determined by the court to be necessary;
24 and-

25 (b) Notify all parties in writing of the date, time,
26 and place of the case plan conference, family team conference,
27 or mediation that will be used to develop the case plan. The
28 case plan conference, family team conference, or mediation
29 must take place no later than 30 days after placing the child
30 in shelter status.

31 (17) At the shelter hearing, the court shall inquire

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1 of the parent whether the parent has relatives who might be
 2 considered as a placement for the child. The parent shall
 3 provide to the court and all parties identification and
 4 location information regarding the relatives. The court shall
 5 advise the parent that the parent has a continuing duty to
 6 inform the department of any relative who should be considered
 7 for placement of the child.

8 (18) The court shall advise the parents that, if the
 9 parents fail to substantially comply with the case plan, their
 10 parental rights may be terminated and that the child's
 11 out-of-home placement may become permanent.

12 Section 11. Present subsections (7) and (8) of section
 13 39.507, Florida Statutes, are redesignated as subsections (8)
 14 and (9), respectively, and a new subsection (7) is added to
 15 that section, to read:

16 39.507 Adjudicatory hearings; orders of
 17 adjudication.--

18 (7) If a court adjudicates a child dependent and the
 19 child is in out-of-home care, the court shall inquire of the
 20 parent or parents whether the parents have relatives who might
 21 be considered as a placement for the child. The court shall
 22 advise the parents that, if the parents fail to substantially
 23 comply with the case plan, their parental rights may be
 24 terminated and that the child's out-of-home placement may
 25 become permanent. The parent or parents shall provide to the
 26 court and all parties identification and location information
 27 of the relatives.

28 Section 12. 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.--

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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 permanent guardianship under s. 39.6221 if
6 the guardian is a relative, by permanent placement with a fit
7 and willing relative under s. 39.6231, by a relative ~~long-term~~
8 ~~relative custody~~, guardianship under chapter 744, or adoption,
9 by providing additional placement options and incentives that
10 will achieve permanency and stability for many children who
11 are otherwise at risk of foster care placement because of
12 abuse, abandonment, or neglect, but who may successfully be
13 able to be placed by the dependency court in the care of such
14 relatives.

15 (2)(a) The Department of Children and Family Services
16 shall establish and operate the Relative Caregiver Program
17 pursuant to eligibility guidelines established in this section
18 as further implemented by rule of the department. The Relative
19 Caregiver Program shall, within the limits of available
20 funding, provide financial assistance to:

21 1. Relatives who are within the fifth degree by blood
22 or marriage to the parent or stepparent of a child and who are
23 caring full-time for that dependent child in the role of
24 substitute parent as a result of a court's determination of
25 child abuse, neglect, or abandonment and subsequent placement
26 with the relative under ~~pursuant to~~ this chapter.

27 2. Relatives who are within the fifth degree by blood
28 or marriage to the parent or stepparent of a child and who are
29 caring full-time for that dependent child, and a dependent
30 half-brother or half-sister of that dependent child, in the
31 role of substitute parent as a result of a court's

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1 determination of child abuse, neglect, or abandonment and
2 subsequent placement with the relative under ~~pursuant to~~ this
3 chapter.

4
5 ~~The~~ Such placement may be ~~either~~ court-ordered temporary legal
6 custody to the relative under protective supervision of the
7 department pursuant to s. 39.521(1)(b)3., or court-ordered
8 placement in the home of a relative as a permanency option
9 under s. 39.6221 or s. 39.6231 or under s. 39.622 if the
10 placement was made before July 1, 2006 ~~pursuant to s. 39.622.~~

11 The Relative Caregiver Program shall offer financial
12 assistance to caregivers who are relatives and who would be
13 unable to serve in that capacity without the relative
14 caregiver payment because of financial burden, thus exposing
15 the child to the trauma of placement in a shelter or in foster
16 care.

17 Section 13. Paragraph (d) of subsection (1) of section
18 39.521, Florida Statutes, is amended to read:

19 39.521 Disposition hearings; powers of disposition.--

20 (1) A disposition hearing shall be conducted by the
21 court, if the court finds that the facts alleged in the
22 petition for dependency were proven in the adjudicatory
23 hearing, or if the parents or legal custodians have consented
24 to the finding of dependency or admitted the allegations in
25 the petition, have failed to appear for the arraignment
26 hearing after proper notice, or have not been located despite
27 a diligent search having been conducted.

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

- 30 1. The placement or custody of the child.
- 31 2. Special conditions of placement and visitation.

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

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

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

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

9 a. Ninety days after the disposition hearing;

10 b. Ninety days after the court accepts the case plan;

11 c. Six months after the date of the last review
12 hearing; or

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

16 7. If the child is in an out-of-home placement, child
17 support to be paid by the parents, or the guardian of the
18 child's estate if possessed of assets which under law may be
19 disbursed for the care, support, and maintenance of the child.
20 The court may exercise jurisdiction over all child support
21 matters, shall adjudicate the financial obligation, including
22 health insurance, of the child's parents or guardian, and
23 shall enforce the financial obligation as provided in chapter
24 61. The state's child support enforcement agency shall enforce
25 child support orders under this section in the same manner as
26 child support orders under chapter 61. Placement of the child
27 shall not be contingent upon issuance of a support order.

28 8.a. If the court does not commit the child to the
29 temporary legal custody of an adult relative, legal custodian,
30 or other adult approved by the court, the disposition order
31 shall include the reasons for such a decision and shall

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1 include a determination as to whether diligent efforts were
2 made by the department to locate an adult relative, legal
3 custodian, or other adult willing to care for the child in
4 order to present that placement option to the court instead of
5 placement with the department.

6 b. ~~If diligent efforts are made to locate an adult~~
7 ~~relative willing and able to care for the child but, because~~
8 no suitable relative is found and, the child is placed with
9 the department or a legal custodian or other adult approved by
10 the court, both the department and the court shall consider
11 transferring temporary legal custody to an adult relative
12 approved by the court at a later date, but neither the
13 department nor the court is obligated to so place the child if
14 it is in the child's best interest to remain in the current
15 placement.

16
17 For the purposes of this subparagraph, "diligent efforts to
18 locate an adult relative" means a search similar to the
19 diligent search for a parent, but without the continuing
20 obligation to search after an initial adequate search is
21 completed.

22 9. Other requirements necessary to protect the health,
23 safety, and well-being of the child, to preserve the stability
24 of the child's educational placement, and to promote family
25 preservation or reunification whenever possible.

26 Section 14. Subsection (1) of section 39.522, Florida
27 Statutes, is amended to read:

28 39.522 Postdisposition change of custody.--The court
29 may change the temporary legal custody or the conditions of
30 protective supervision at a postdisposition hearing, without
31 the necessity of another adjudicatory hearing.

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

22 Section 15. Section 39.6011, Florida Statutes, is
23 created to read:

24 39.6011 Case plan development.--

25 (1) The department shall prepare a draft of the case
26 plan for each child receiving services under this chapter. A
27 parent of a child may not be threatened or coerced with the
28 loss of custody or parental rights for failing to admit in the
29 case plan of abusing, neglecting, or abandoning a child.
30 Participating in the development of a case plan is not an
31 admission to any allegation of abuse, abandonment, or neglect.

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1 and it is not a consent to a finding of dependency or
2 termination of parental rights. The case plan shall be
3 developed subject to the following requirements:

4 (a) The case plan must be developed in a face-to-face
5 conference with the parent of the child, any court-appointed
6 guardian ad litem, and, if appropriate, the child and the
7 temporary custodian of the child. The conference to prepare a
8 case plan must be scheduled under s. 39.402(16)(b) and must be
9 conducted according to one of the following procedures:

10 1. A case plan conference that is a meeting among the
11 parties described in this subsection.

12 2. A mediation if dependency mediation services are
13 available and appropriate and in the best interests of the
14 child.

15 3. A family team conference if a family team
16 conference is available.

17 (b) The parent may receive assistance from any person
18 or social service agency in preparing the case plan. The
19 social service agency, the department, and the court, when
20 applicable, shall inform the parent of the right to receive
21 such assistance, including the right to assistance of counsel.

22 (c) If a parent is unwilling or unable to participate
23 in developing a case plan, the department shall document that
24 unwillingness or inability to participate. The documentation
25 must be provided in writing to the parent when available for
26 the court record, and the department shall prepare a case plan
27 conforming as nearly as possible with the requirements set
28 forth in this section. The unwillingness or inability of the
29 parent to participate in developing a case plan does not
30 preclude the filing of a petition for dependency or for
31 termination of parental rights. The parent, if available, must

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1 be provided a copy of the case plan and be advised that he or
2 she may, at any time before the filing of a petition for
3 termination of parental rights, enter into a case plan and
4 that he or she may request judicial review of any provision of
5 the case plan with which he or she disagrees at any court
6 hearing set for the child.

7 (2) The case plan must be written simply and clearly
8 in English and, if English is not the principal language of
9 the child's parent, to the extent possible in the parent's
10 principal language. Each case plan must contain:

11 (a) A description of the identified problem being
12 addressed, including the parent's behavior or acts resulting
13 in risk to the child and the reason for the intervention by
14 the department.

15 (b) The permanency goal as defined in s. 39.01(51).

16 (c) If concurrent planning is being used, a
17 description of the permanency goal of reunification with the
18 parent or legal custodian in addition to a description of one
19 of the remaining permanency goals described in s. 39.01(51).

20 (d) The date the compliance period expires. The case
21 plan must be limited to as short a period as possible for
22 accomplishing its provisions. The plan's compliance period
23 expires no later than 12 months after the date the child was
24 initially removed from the home or the date the case plan was
25 accepted by the court, whichever occurs sooner.

26 (e) A written notice to the parent that failure of the
27 parent to substantially comply with the case plan may result
28 in the termination of parental rights, and that a material
29 breach of the case plan may result in the filing of a petition
30 for termination of parental rights sooner than the compliance
31 period set forth in the case plan.

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1 (3) The case plan must be signed by all parties,
2 except that the signature of a child may be waived if the
3 child is not of an age or capacity to participate in the
4 case-planning process. Signing the case plan constitutes an
5 acknowledgement that the case plan has been developed by the
6 parties and that they are in agreement as to the terms and
7 conditions contained in the case plan. The refusal of a parent
8 to sign the case plan does not prevent the court from
9 accepting the case plan if the case plan is otherwise
10 acceptable to the court. Signing the case plan does not
11 constitute an admission to any allegation of abuse,
12 abandonment, or neglect and does not constitute consent to a
13 finding of dependency or termination of parental rights.
14 Before signing the case plan, the department shall explain the
15 provisions of the plan to all persons involved in its
16 implementation, including, when appropriate, the child.

17 (4) The case plan must describe:

18 (a) The role of the foster parents or legal custodians
19 when developing the services that are to be provided to the
20 child, foster parents, or legal custodians;

21 (b) The minimum number of face-to-face meetings to be
22 held each month between the parents and the department's
23 family services counselors to review the progress of the plan,
24 to eliminate barriers to progress, and to resolve conflicts or
25 disagreements; and

26 (c) The parent's responsibility for financial support
27 of the child, including, but not limited to, health insurance
28 and child support. The case plan must list the costs
29 associated with any services or treatment that the parent and
30 child are expected to receive which are the financial
31 responsibility of the parent. The determination of child

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1 support and other financial support shall be made
2 independently of any determination of indigency under s.
3 39.013.

4 (5) When the permanency goal for a child is adoption,
5 the case plan must include documentation of the steps the
6 agency is taking to find an adoptive family or other permanent
7 living arrangement for the child. At a minimum, the
8 documentation shall include recruitment efforts that are
9 specific to the child, such as the use of state, regional, and
10 national adoption exchanges, including electronic exchange
11 systems.

12 (6) After the case plan has been developed, the
13 department shall adhere to the following procedural
14 requirements:

15 (a) If the parent's substantial compliance with the
16 case plan requires the department to provide services to the
17 parents or the child and the parents agree to begin compliance
18 with the case plan before the case plan's acceptance by the
19 court, the department shall make the appropriate referrals for
20 services that will allow the parents to begin the agreed-upon
21 tasks and services immediately.

22 (b) After the case plan has been agreed upon and
23 signed by the parties, a copy of the plan must be given
24 immediately to the parties, including the child if
25 appropriate, and to other persons as directed by the court.

26 1. A case plan must be prepared, but need not be
27 submitted to the court, for a child who will be in care no
28 longer than 30 days unless that child is placed in out-of-home
29 care a second time within a 12-month period.

30 2. In each case in which a child has been placed in
31 out-of-home care, a case plan must be prepared within 60 days

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1 after the department removes the child from the home and shall
2 be submitted to the court before the disposition hearing for
3 the court to review and approve.

4 3. After jurisdiction attaches, all case plans must be
5 filed with the court and a copy provided to all the parties
6 whose whereabouts are known not less than 3 business days
7 before the disposition hearing. The department shall file with
8 the court, and provide copies to the parties, all case plans
9 prepared before jurisdiction of the court attached.

10 (7) The case plan must be filed with the court and
11 copies provided to all parties, including the child if
12 appropriate, not less than 3 business days before the
13 disposition hearing.

14 (8) The case plan must describe a process for making
15 available to all physical custodians and family services
16 counselors the information required by s. 39.6012(2) and for
17 ensuring that this information follows the child until
18 permanency has been achieved.

19 Section 16. Section 39.6012, Florida Statutes, is
20 created to read:

21 39.6012 Case plan tasks; services.--

22 (1) The services to be provided to the parent and the
23 tasks that must be completed are subject to the following:

24 (a) The services described in the case plan must be
25 designed to improve the conditions in the home and aid in
26 maintaining the child in the home, facilitate the child's safe
27 return to the home, ensure proper care of the child, or
28 facilitate the child's permanent placement. The services
29 offered must be the least intrusive possible into the life of
30 the parent and child, must focus on clearly defined
31 objectives, and must provide the most efficient path to quick

1 reunification or permanent placement given the circumstances
2 of the case and the child's need for safe and proper care.

3 (b) The case plan must describe each of the tasks with
4 which the parent must comply and the services to be provided
5 to the parent, specifically addressing the identified problem,
6 including:

7 1. The type of services or treatment.

8 2. The date the department will provide each service
9 or referral for the service if the service is being provided
10 by the department or its agent.

11 3. The date by which the parent must complete each
12 task.

13 4. The frequency of services or treatment provided.
14 The frequency of the delivery of services or treatment
15 provided shall be determined by the professionals providing
16 the services or treatment on a case-by-case basis and adjusted
17 according to their best professional judgment.

18 5. The location of the delivery of the services.

19 6. The staff of the department or service provider
20 accountable for the services or treatment.

21 7. A description of the measurable objectives,
22 including the timeframes specified for achieving the
23 objectives of the case plan and addressing the identified
24 problem.

25 (2) The case plan must include all available
26 information that is relevant to the child's care including, at
27 a minimum:

28 (a) A description of the identified needs of the child
29 while in care.

30 (b) A description of the plan for ensuring that the
31 child receives safe and proper care and that services are

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1 provided to the child in order to address the child's needs.
2 To the extent available and accessible, the following health,
3 mental health, and education information and records of the
4 child must be attached to the case plan and updated throughout
5 the judicial-review process:

6 1. The names and addresses of the child's health,
7 mental health, and educational providers;

8 2. The child's grade-level performance;

9 3. The child's school record;

10 4. Assurances that the child's placement takes into
11 account proximity to the school in which the child is enrolled
12 at the time of placement;

13 5. A record of the child's immunizations;

14 6. The child's known medical history, including any
15 known problems;

16 7. The child's medications, if any; and

17 8. Any other relevant health, mental health, and
18 education information concerning the child.

19 (3) In addition to any other requirement, if the child
20 is in an out-of-home placement, the case plan must include:

21 (a) A description of the type of placement in which
22 the child is to be living.

23 (b) A description of the parent's visitation rights
24 and obligations and the plan for sibling visitation if the
25 child has siblings and is separated from them.

26 (c) When appropriate, for a child who is 13 years of
27 age or older, a written description of the programs and
28 services that will help the child prepare for the transition
29 from foster care to independent living.

30 (d) A discussion of the safety and the appropriateness
31 of the child's placement, which placement is intended to be

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1 safe, and the least restrictive and the most family-like
 2 setting available consistent with the best interest and
 3 special needs of the child and in as close proximity as
 4 possible to the child's home.

5 Section 17. Section 39.6013, Florida Statutes, is
 6 created to read:

7 39.6013 Case plan amendments.--

8 (1) After the case plan has been developed under s.
 9 39.6011, the tasks and services agreed upon in the plan may
 10 not be changed or altered in any way except as provided in
 11 this section.

12 (2) The case plan may be amended at any time in order
 13 to change the goal of the plan, employ the use of concurrent
 14 planning, add or remove tasks the parent must complete to
 15 substantially comply with the plan, provide appropriate
 16 services for the child, and update the child's health, mental
 17 health, and education records required by s. 39.6012.

18 (3) The case plan may be amended upon approval of the
 19 court if all parties are in agreement regarding the amendments
 20 to the plan and the amended plan is signed by all parties and
 21 submitted to the court with a memorandum of explanation.

22 (4) The case plan may be amended by the court or upon
 23 motion of any party at any hearing to change the goal of the
 24 plan, employ the use of concurrent planning, or add or remove
 25 tasks the parent must complete in order to substantially
 26 comply with the plan if there is a preponderance of evidence
 27 demonstrating the need for the amendment. The need to amend
 28 the case plan may be based on information discovered or
 29 circumstances arising after the approval of the case plan for:

30 (a) A previously unaddressed condition that, without
 31 services, may prevent the child from safely returning to the

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1 home or may prevent the child from safely remaining in the
2 home;

3 (b) The child's need for permanency, taking into
4 consideration the child's age and developmental needs;

5 (c) The failure of a party to substantially comply
6 with a task in the original case plan, including the
7 ineffectiveness of a previously offered service; or

8 (d) An error or oversight in the case plan.

9 (5) The case plan may be amended by the court or upon
10 motion of any party at any hearing to provide appropriate
11 services to the child if there is competent evidence
12 demonstrating the need for the amendment. The reason for
13 amending the case plan may be based on information discovered
14 or circumstances arising after the approval of the case plan
15 regarding the provision of safe and proper care to the child.

16 (6) The case plan is deemed amended as to the child's
17 health, mental health, and education records required by s.
18 39.6012 when the child's updated health and education records
19 are filed by the department under s. 39.701(7)(a).

20 (7) Amendments must include service interventions that
21 are the least intrusive into the life of the parent and child,
22 must focus on clearly defined objectives, and must provide the
23 most efficient path to quick reunification or permanent
24 placement given the circumstances of the case and the child's
25 need for safe and proper care. A copy of the amended plan must
26 be immediately given to the persons identified in s.
27 39.601(1).

28 Section 18. Subsections (1) and (2) of section 39.603,
29 Florida Statutes, are amended to read:

30 39.603 Court approvals of case planning.--

31 (1) All case plans and amendments to case plans must

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1 be approved by the court. At the hearing on the case plan,
2 which shall occur in conjunction with the disposition hearing
3 unless otherwise directed by the court, the court shall
4 determine:

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

14 (b) If the plan is consistent with previous orders of
15 the court placing the child in care.

16 (c) If the plan is consistent with the requirements
17 for the content of a plan as specified in this chapter.

18 (d) In involuntary placements, whether each parent was
19 notified of the right to counsel at each stage of the
20 dependency proceedings, in accordance with the Florida Rules
21 of Juvenile Procedure.

22 (e) Whether each parent whose location was known was
23 notified of the right to participate in the preparation of a
24 case plan and of the right to receive assistance from any
25 other person in the preparation of the case plan.

26 (f) Whether the plan is meaningful and designed to
27 address facts and circumstances upon which the court based the
28 finding of dependency in involuntary placements or the plan is
29 meaningful and designed to address facts and circumstances
30 upon which the child was placed in out-of-home care
31 voluntarily.

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1 (2) When the court determines that any of the elements
2 considered at the hearing related to the plan have not been
3 met, the court shall require the parties to make necessary
4 amendments to the plan under s. 39.6013. The amended plan must
5 be submitted to the court for review and approval within 30
6 days after the hearing. A copy of the amended plan must also
7 be provided to each party, if the location of the party is
8 known, at least 3 business days ~~72 hours~~ before ~~prior to~~
9 filing with the court.

10 Section 19. Section 39.621, Florida Statutes, is
11 amended to read:

12 39.621 Permanency determination by the court.--

13 (1) Time is of the essence for permanency of children
14 in the dependency system. A permanency hearing must be held no
15 later than 12 months after the date the child was removed from
16 the home or no later than 30 days after a court determines
17 that reasonable efforts to return a child to either parent are
18 not required, whichever occurs first. The purpose of the
19 permanency hearing is to determine when the child will achieve
20 the permanency goal or whether modifying the current goal is
21 in the best interest of the child. A permanency hearing must
22 be held at least every 12 months for any child who continues
23 to receive supervision from the department or awaits adoption.
24 ~~When the court has determined that reunification with either~~
25 ~~parent is not appropriate, then the court must make a~~
26 ~~permanency determination for the child.~~

27 (2) The permanency goals available under this chapter
28 are:

29 (a) Reunification;

30 (b) Adoption, if a petition for termination of
31 parental rights has been or will be filed;

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1 (c) Permanent guardianship of a dependent child under
2 s. 39.6221;

3 (d) Permanent placement with a fit and willing
4 relative under s. 39.6231; or

5 (e) Placement in another planned permanent living
6 arrangement under s. 39.6241.

7 (3)(a) At least 3 business days before the permanency
8 hearing, the department shall file its judicial review social
9 services report with the court and serve copies of the report
10 on all parties. The report must include a recommended
11 permanency goal for the child, suggest changes to the case
12 plan, if needed, and describe why the recommended goal is in
13 the best interest of the child.

14 (b) Before the permanency hearing, the department
15 shall advise the child and the individuals with whom the child
16 will be placed about the availability of more permanent and
17 legally secure placements and what type of financial
18 assistance is associated with each placement.

19 (4) At the permanency hearing, the court shall
20 determine:

21 (a) Whether the current permanency goal for the child
22 is appropriate or should be changed;

23 (b) When the child will achieve one of the permanency
24 goals; and

25 (c) Whether the department has made reasonable efforts
26 to finalize the permanency plan currently in effect.

27 (5) The best interest of the child is the primary
28 consideration in determining the permanency goal for the
29 child. The court must also consider:

30 (a) The reasonable preference of the child if the
31 court has found the child to be of sufficient intelligence,

1 understanding, and experience to express a preference; and

2 (b) Any recommendation of the guardian ad litem.

3 (6)(2) If a child will not be reunited with a parent,

4 adoption, under ~~pursuant to~~ chapter 63, is the primary

5 permanency option ~~available to the court~~. If the child is

6 placed with a relative or with a relative of the child's

7 half-brother or half-sister as a permanency option, the court

8 may ~~shall~~ recognize the permanency of this placement without

9 requiring the relative to adopt the child.

10

11 If the court approves a permanency goal of permanent

12 guardianship of a dependent child, placement with a fit and

13 willing relative, or another planned permanent living

14 arrangement, the court shall make findings as to why this

15 permanent placement is established without adoption of the

16 child to follow. If the court approves a permanency goal of

17 another planned permanent living arrangement, the court shall

18 document the compelling reasons for choosing this goal.

19 (7) The findings of the court regarding reasonable

20 efforts to finalize the permanency plan must be explicitly

21 documented, made on a case-by-case basis, and stated in the

22 court order.

23 (8) The case plan must list the tasks necessary to

24 finalize the permanency placement and shall be updated at the

25 permanency hearing if necessary. If a concurrent case plan is

26 in place, the court may choose between the permanency goal

27 options presented and shall approve the goal that is in the

28 child's best interest.

29 (9) The permanency placement is intended to continue

30 until the child reaches the age of majority and may not be

31 disturbed absent a finding by the court that the circumstances

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1 of the permanency placement are no longer in the best interest
 2 of the child. If a parent who has not had his or her parental
 3 rights terminated makes a motion for reunification or
 4 increased contact with the child, the court shall hold a
 5 hearing to determine whether the dependency case should be
 6 reopened and whether there should be a modification of the
 7 order. At the hearing, the parent must demonstrate that the
 8 safety, well-being, and physical, mental, and emotional health
 9 of the child is not endangered by the modification.

10 (10) The court shall base its decision concerning any
 11 motion by a parent for reunification or increased contact with
 12 a child on the effect of the decision on the safety,
 13 well-being, and physical and emotional health of the child.
 14 Factors that must be considered and addressed in the findings
 15 of fact of the order on the motion must include:

16 (a) The compliance or noncompliance of the parent with
 17 the case plan;

18 (b) The circumstances which caused the child's
 19 dependency and whether those circumstances have been resolved;

20 (c) The stability and longevity of the child's
 21 placement;

22 (d) The preferences of the child, if the child is of
 23 sufficient age and understanding to express a preference;

24 (e) The recommendation of the current custodian; and

25 (f) The recommendation of the guardian ad litem, if
 26 one has been appointed.

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

31 ~~(a) Guardianship pursuant to chapter 744.~~

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1 ~~(b) Long-term custody.~~

2 ~~(c) Long-term licensed custody.~~

3 ~~(d) Independent living.~~

4

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

10 Section 20. Section 39.6221, Florida Statutes, is
11 created to read:

12 39.6221 Permanent guardianship of a dependent child.--

13 (1) If a court determines that reunification or
14 adoption is not in the best interest of the child, the court
15 may place the child in a permanent guardianship with a
16 relative or other adult approved by the court if all of the
17 following conditions are met:

18 (a) The child has been in the placement for not less
19 than the preceding 6 months.

20 (b) The permanent guardian is suitable and able to
21 provide a safe and permanent home for the child.

22 (c) The court determines that the child and the
23 relative or other adult are not likely to need supervision or
24 services of the department to ensure the stability of the
25 permanent guardianship.

26 (d) The permanent guardian has made a commitment to
27 provide for the child until the child reaches the age of
28 majority and to prepare the child for adulthood and
29 independence.

30 (e) The permanent guardian agrees to give notice of
31 any change in his or her residential address or the residence

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1 of the child by filing a written document in the dependency
2 file of the child with the clerk of the court.

3 (2) In its written order establishing a permanent
4 guardianship, the court shall:

5 (a) List the circumstances or reasons why the child's
6 parents are not fit to care for the child and why
7 reunification is not possible by referring to specific
8 findings of fact made in its order adjudicating the child
9 dependent or by making separate findings of fact;

10 (b) State the reasons why a permanent guardianship is
11 being established instead of adoption;

12 (c) Specify the frequency and nature of visitation or
13 contact between the child and his or her parents;

14 (d) Specify the frequency and nature of visitation or
15 contact between the child and his or her grandparents, under
16 s. 39.509;

17 (e) Specify the frequency and nature of visitation or
18 contact between the child and his or her siblings;

19 (f) Require that the permanent guardian not return the
20 child to the physical care and custody of the person from whom
21 the child was removed without the approval of the court; and

22 (g) List the powers and duties of the permanent
23 guardian which shall include the rights and duties of a
24 parent, including, but not limited to:

25 1. The right to physical and legal custody of the
26 child;

27 2. The right and duty to protect, nurture, guide, and
28 discipline the child;

29 3. The right and duty to provide the child with food,
30 shelter, and education; and

31 4. The right and duty to provide the child with

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1 ordinary medical, dental, psychiatric, and psychological care,
2 unless these rights and duties are otherwise enlarged or
3 limited by court order.

4 (3) The court shall give the permanent guardian a
5 separate order establishing the authority of the permanent
6 guardian to care for the child, reciting what powers and
7 duties listed in paragraph (2)(g) belong to the permanent
8 guardian and providing any other information the court deems
9 proper which can be provided to persons who are not parties to
10 the proceeding as necessary, notwithstanding the
11 confidentiality provisions of s. 39.202.

12 (4) A permanent guardianship of a dependent child
13 established under this chapter is not a plenary guardianship
14 and is not subject to the requirements of chapter 744.

15 (5) The court shall retain jurisdiction over the case
16 and the child shall remain in the custody of the permanent
17 guardian unless the order creating the permanent guardianship
18 is modified by the court. The court shall discontinue regular
19 review hearings and relieve the department of the
20 responsibility for supervising the placement of the child. Not
21 withstanding the retention of jurisdiction, the placement
22 shall be considered permanency for the child.

23 (6) Placement of a child in a permanent guardianship
24 does not terminate the parent-child relationship, including:

25 (a) The right of the child to inherit from his or her
26 parents;

27 (b) The parents' right to consent to the child's
28 adoption; and

29 (c) The parents' responsibility to provide financial,
30 medical, and other support for the child as ordered by the
31 court.

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1 Section 21. Section 39.6231, Florida Statutes, is
2 created to read:

3 39.6231 Permanent placement with a fit and willing
4 relative.--

5 (1) If a court finds that reunification or adoption
6 are not in the best interests of a child, the court may place
7 the child with a fit and willing relative as a permanency
8 option if:

9 (a) The child has been in the placement for at least
10 the preceding 6 months;

11 (b) The relative has made a commitment to provide for
12 the child until the child reaches the age of majority and to
13 prepare the child for adulthood and independence;

14 (c) The relative is suitable and able to provide a
15 safe and permanent home for the child; and

16 (d) The relative agrees to give notice of any change
17 in his or her residence or the residence of the child by
18 filing a written document with the clerk of court.

19 (2) The department and the guardian ad litem shall
20 provide the court with a recommended list and description of
21 services needed by the child and the family in order to ensure
22 the permanency of the placement.

23 (3) In its written order placing the child with a fit
24 and willing relative, the court shall:

25 (a) List the circumstances or reasons why
26 reunification is not possible by referring to specific
27 findings of fact made in its order adjudicating the child
28 dependent or by making separate findings of fact;

29 (b) State the reasons why permanent placement with a
30 fit and willing relative is being established instead of
31 adoption;

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1 (c) Specify the frequency and nature of visitation or
2 contact between the child and his or her parents;

3 (d) Specify the frequency and nature of visitation or
4 contact between the child and his or her grandparents, under
5 s. 39.509;

6 (e) Specify the frequency and nature of visitation or
7 contact between the child and his or her siblings; and

8 (f) Require that the relative not return the child to
9 the physical care and custody of the person from whom the
10 child was removed without the approval of the court.

11 (4) The court shall give the relative a separate order
12 establishing his or her authority to care for the child and
13 providing other information the court deems proper which can
14 be provided to entities and individuals who are not parties to
15 the proceeding as necessary, notwithstanding the
16 confidentiality of s. 39.202.

17 (5) The department shall continue to supervise the
18 placement with the relative until further court order. The
19 court shall continue to review the placement at least once
20 every 6 months.

21 (6) Each party to the proceeding must be advised by
22 the department and the court that placement with a fit and
23 willing relative does not preclude the possibility of the
24 child returning to the custody of the parent.

25 (7) The court shall continue to conduct permanency
26 hearings in order to reevaluate the possibility of adoption or
27 permanent guardianship of the child.

28 Section 22. Section 39.6241, Florida Statutes, is
29 created to read:

30 39.6241 Another planned permanent living
31 arrangement.--

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1 (1) If a court finds that reunification is not in the
2 best interests of a child, the court may approve placement of
3 the child in another planned permanent living arrangement if:

4 (a) The court finds a more permanent placement, such
5 as adoption, permanent guardianship, or placement with a fit
6 and willing relative, is not in the best interests of the
7 child;

8 (b) The department documents reasons why the placement
9 will endure and how the proposed arrangement will be more
10 stable and secure than ordinary foster care;

11 (c) The court finds that the health, safety, and
12 well-being of the child will not be jeopardized by such an
13 arrangement; and

14 (d) There are compelling reasons to show that another
15 placement is the most appropriate permanency goal. Compelling
16 reasons for another placement may include, but are not limited
17 to:

18 1. The case of a parent and child who have a
19 significant bond but the parent is unable to care for the
20 child because of an emotional or physical disability and the
21 child's foster parents have committed to raising him or her to
22 the age of majority and to facilitate visitation with the
23 disabled parent;

24 2. The case of a child for whom an Indian tribe has
25 identified another planned permanent living arrangement for
26 the child; or

27 3. The case of a foster child who is 16 years of age
28 or older who chooses to remain in foster care and the child's
29 foster parents are willing to care for the child until the
30 child reaches 18 years of age.

31 (2) The department and the guardian ad litem must

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1 provide the court with a recommended list and description of
 2 services needed by the child, such as independent living
 3 services and medical, dental, educational, or psychological
 4 referrals, and a recommended list and description of services
 5 needed by his or her caregiver.

6 Section 23. Paragraph (a) of subsection (7), paragraph
 7 (g) of subsection (8), and subsection (9) of section 39.701,
 8 Florida Statutes, are amended, and paragraph (k) is added to
 9 subsection (8) of that section, to read:

10 39.701 Judicial review.--

11 (7)(a) Before ~~Prior to~~ every judicial review hearing
 12 or citizen review panel hearing, the social service agency
 13 shall make an investigation and social study concerning all
 14 pertinent details relating to the child and shall furnish to
 15 the court or citizen review panel a written report that
 16 includes, but is not limited to:

17 1. A description of the type of placement the child is
 18 in at the time of the hearing, including the safety of the
 19 child and the continuing necessity for and appropriateness of
 20 the placement.

21 2. Documentation of the diligent efforts made by all
 22 parties to the case plan to comply with each applicable
 23 provision of the plan.

24 3. The amount of fees assessed and collected during
 25 the period of time being reported.

26 4. The services provided to the foster family or legal
 27 custodian in an effort to address the needs of the child as
 28 indicated in the case plan.

29 5. A statement that either:

30 a. The parent, though able to do so, did not comply
 31 substantially with the ~~provisions of the~~ case plan, and the

1 agency recommendations;

2 b. The parent did substantially comply with the
3 ~~provisions of the case plan; or~~

4 c. The parent has partially complied with the
5 ~~provisions of the case plan, with a summary of additional~~
6 progress needed and the agency recommendations.

7 6. A statement from the foster parent or legal
8 custodian providing any material evidence concerning the
9 return of the child to the parent or parents.

10 7. A statement concerning the frequency, duration, and
11 results of the parent-child visitation, if any, and the agency
12 recommendations for an expansion or restriction of future
13 visitation.

14 8. The number of times a child has been removed from
15 his or her home and placed elsewhere, the number and types of
16 placements that have occurred, and the reason for the changes
17 in placement.

18 9. The number of times a child's educational placement
19 has been changed, the number and types of educational
20 placements which have occurred, and the reason for any change
21 in placement.

22 10. If the child has reached 13 years of age but is
23 not yet 18 years of age, the results of the preindependent
24 living, life skills, or independent living assessment; the
25 specific services needed; and the status of the delivery of
26 the identified services.

27 11. Copies of all medical, psychological, and
28 educational records that support the terms of the case plan
29 and that have been produced concerning the ~~child~~, parents, or
30 any caregiver since the last judicial review hearing.

31 12. Copies of the child's current health, mental

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1 health, and education records as identified in s. 39.6012.

2 (8) The court and any citizen review panel shall take
3 into consideration the information contained in the social
4 services study and investigation and all medical,
5 psychological, and educational records that support the terms
6 of the case plan; testimony by the social services agency, the
7 parent, the foster parent or legal custodian, the guardian ad
8 litem if one has been appointed for the child, and any other
9 person deemed appropriate; and any relevant and material
10 evidence submitted to the court, including written and oral
11 reports to the extent of their probative value. These reports
12 and evidence may be received by the court in its effort to
13 determine the action to be taken with regard to the child and
14 may be relied upon to the extent of their probative value,
15 even though not competent in an adjudicatory hearing. In its
16 deliberations, the court and any citizen review panel shall
17 seek to determine:

18 (g) Whether the child is receiving safe and proper
19 care according to s. 39.6012, including, but not limited to,
20 the appropriateness of the child's current placement,
21 including whether the child is in a setting that ~~which~~ is as
22 family-like and as close to the parent's home as possible,
23 consistent with the child's best interests and special needs,
24 and including maintaining stability in the child's educational
25 placement.

26 (k) If amendments to the case plan are required.
27 Amendments to the case plan must be made under s. 39.6013.

28 (9)(a) Based upon the criteria set forth in subsection
29 (8) and the recommended order of the citizen review panel, if
30 any, the court shall determine whether or not the social
31 service agency shall initiate proceedings to have a child

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1 declared a dependent child, return the child to the parent,
 2 continue the child in out-of-home care for a specified period
 3 of time, or initiate termination of parental rights
 4 proceedings for subsequent placement in an adoptive home.
 5 Amendments ~~Modifications~~ to the case plan must be prepared
 6 ~~handled~~ as prescribed in s. 39.6013 ~~s. 39.601~~. If the court
 7 finds that the prevention or reunification efforts of the
 8 department will allow the child to remain safely at home or be
 9 safely returned to the home, the court shall allow the child
 10 to remain in or return to the home after making a specific
 11 finding of fact that the reasons for the creation of the case
 12 plan have been remedied to the extent that the child's safety,
 13 well-being, and physical, mental, and emotional health will
 14 not be endangered.

15 (b) The court shall return the child to the custody of
 16 the parents at any time it determines that they have
 17 substantially complied with the case plan, if the court is
 18 satisfied that reunification will not be detrimental to the
 19 child's safety, well-being, and physical, mental, and
 20 emotional health.

21 (c) If, in the opinion of the court, the social
 22 service agency has not complied with its obligations as
 23 specified in the written case plan, the court may find the
 24 social service agency in contempt, shall order the social
 25 service agency to submit its plans for compliance with the
 26 agreement, and shall require the social service agency to show
 27 why the child could not safely be returned to the home of the
 28 parents.

29 ~~(d) The court may extend the time limitation of the~~
 30 ~~case plan, or may modify the terms of the plan, based upon~~
 31 ~~information provided by the social service agency, and the~~

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1 ~~guardian ad litem, if one has been appointed, the parent or~~
 2 ~~parents, and the foster parents or legal custodian, and any~~
 3 ~~other competent information on record demonstrating the need~~
 4 ~~for the amendment. If the court extends the time limitation of~~
 5 ~~the case plan, the court must make specific findings~~
 6 ~~concerning the frequency of past parent-child visitation, if~~
 7 ~~any, and the court may authorize the expansion or restriction~~
 8 ~~of future visitation. Modifications to the plan must be~~
 9 ~~handled as prescribed in s. 39.601. Any extension of a case~~
 10 ~~plan must comply with the time requirements and other~~
 11 ~~requirements specified by this chapter.~~

12 ~~(d)(e)~~ If, at any judicial review, the court finds
 13 that the parents have failed to substantially comply with the
 14 case plan to the degree that further reunification efforts are
 15 without merit and not in the best interest of the child, on
 16 its own motion, the court ~~it~~ may order ~~authorize~~ the filing of
 17 a petition for termination of parental rights, whether or not
 18 the time period as contained in the case plan for substantial
 19 compliance has expired ~~elapsed~~.

20 ~~(e)(f)~~ No later than 6 ~~12~~ months after the date that
 21 the child was placed in shelter care, the court shall conduct
 22 a judicial review hearing to review ~~plan for~~ the child's
 23 permanency goal as identified in the case plan. At the hearing
 24 the court shall make findings regarding the likelihood of the
 25 child's reunification with the parent or legal custodian
 26 within 12 months after the removal of the child from the home.
 27 If, at this hearing, the court makes a written finding that it
 28 is not likely that the child will be reunified with the parent
 29 or legal custodian within 12 months after the child was
 30 removed from the home, the department must file with the
 31 court, and serve on all parties, a motion to amend the case

1 plan under s. 39.6013 and declare that it will use concurrent
 2 planning for the case plan. The department must file the
 3 motion no later than 10 business days after receiving the
 4 written finding of the court. The department must attach the
 5 proposed amended case plan to the motion. If concurrent
 6 planning is already being used, the case plan must document
 7 the efforts the department is taking to complete the
 8 concurrent goal. ~~At this hearing, if the child is not returned~~
 9 ~~to the physical custody of the parents, the case plan may be~~
 10 ~~extended with the same goals only if the court finds that the~~
 11 ~~situation of the child is so extraordinary that the plan~~
 12 ~~should be extended. The case plan must document steps the~~
 13 ~~department is taking to find an adoptive parent or other~~
 14 ~~permanent living arrangement for the child.~~

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

25 Section 24. Section 39.703, Florida Statutes, is
 26 amended to read:

27 39.703 Initiation of termination of parental rights
 28 proceedings; judicial review.--

29 (1) If, in preparation for a any ~~any~~ judicial review
 30 hearing under this chapter, it is the opinion of the social
 31 service agency that the parents of the child have not complied

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

15 (2) If, at the time of the 12-month judicial review
 16 hearing, a child is not returned to the physical custody of
 17 the parents, the department shall file a petition to terminate
 18 parental rights. The court shall set an advisory hearing at
 19 the judicial review hearing if an advisory hearing has not
 20 previously been set. ~~initiate termination of parental rights~~
 21 ~~proceedings under this chapter within 30 days. Only if the~~
 22 ~~court finds that the situation of the child is so~~
 23 ~~extraordinary and that the best interests of the child will be~~
 24 ~~met by such action at the time of the judicial review may the~~
 25 ~~case plan be extended. If the court decides to extend the~~
 26 ~~plan, the court shall enter detailed findings justifying the~~
 27 ~~decision to extend, as well as the length of the extension. A~~
 28 ~~termination of parental rights petition need not be filed if:~~
 29 ~~the child is being cared for by a relative who chooses not to~~
 30 ~~adopt the child but who is willing, able, and suitable to~~
 31 ~~serve as the legal custodian for the child until the child~~

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1 ~~reaches 18 years of age; the court determines that filing such~~
 2 ~~a petition would not be in the best interests of the child; or~~
 3 ~~the state has not provided the child's parent, when reasonable~~
 4 ~~efforts to return a child are required, consistent with the~~
 5 ~~time period in the state's case plan, such services as the~~
 6 ~~state deems necessary for the safe return of the child to his~~
 7 ~~or her home. Failure to initiate termination of parental~~
 8 ~~rights proceedings at the time of the 12-month judicial review~~
 9 ~~or within 30 days after such review does not prohibit~~
 10 ~~initiating termination of parental rights proceedings at any~~
 11 ~~other time.~~

12 (3) Notwithstanding subsection (2), the department may
 13 choose not to file or join in a petition to terminate the
 14 parental rights of a parent under subsection (2) if:

15 (a) The child is being cared for by a relative under
 16 s. 39.6231;

17 (b) The department has documented in the report to the
 18 court a compelling reason for determining that filing such a
 19 petition would not be in the best interests of the child.

20 Compelling reasons for not filing or joining a petition to
 21 terminate parental rights may include, but are not limited to:

22 1. Adoption is not the appropriate permanency goal for
 23 the child;

24 2. No grounds to file a petition to terminate parental
 25 rights exist;

26 3. The child is an unaccompanied refugee minor as
 27 defined in 45 C.F.R. 400.111;

28 4. There are international legal obligations or
 29 compelling foreign-policy reasons that would preclude
 30 terminating parental rights; or

31 5. The department has not provided to the family,

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1 consistent with the time period in the case plan, services
2 that the department deems necessary for the safe return of the
3 child to the home.

4 (4) Upon good cause shown by any party or on its own
5 motion, the court may review the determination by the
6 department that compelling reasons exist for not filing a
7 petition for termination of parental rights.

8 Section 25. Subsections (1) and (2) of section 39.806,
9 Florida Statutes, are amended to read:

10 39.806 Grounds for termination of parental rights.--

11 ~~(1) The department, the guardian ad litem, or any~~
12 ~~person who has knowledge of the facts alleged or who is~~
13 ~~informed of those facts and believes that they are true may~~
14 petition Grounds for the termination of parental rights may be
15 established under any of the following circumstances:

16 (a) When the parent or parents have voluntarily
17 executed a written surrender of the child and consented to the
18 entry of an order giving custody of the child to the
19 department for subsequent adoption and the department is
20 willing to accept custody of the child.

21 1. The surrender document must be executed before two
22 witnesses and a notary public or other person authorized to
23 take acknowledgments.

24 2. The surrender and consent may be withdrawn after
25 acceptance by the department only after a finding by the court
26 that the surrender and consent were obtained by fraud or under
27 duress.

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

31 (c) When the parent or parents engaged in conduct

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1 toward the child or toward other children that demonstrates
 2 that the continuing involvement of the parent or parents in
 3 the parent-child relationship threatens the life, safety,
 4 well-being, or physical, mental, or emotional health of the
 5 child irrespective of the provision of services. Provision of
 6 services may be evidenced by proof that services were provided
 7 through a previous plan or offered as a case plan from a child
 8 welfare agency.

9 (d) When the parent of a child is incarcerated in a
 10 state or federal correctional institution and either:

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

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

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1 3. The court determines by clear and convincing
 2 evidence that continuing the parental relationship with the
 3 incarcerated parent would be harmful to the child and, for
 4 this reason, that termination of the parental rights of the
 5 incarcerated parent is in the best interest of the child.

6 (e) ~~A petition for termination of parental rights may~~
 7 ~~also be filed~~ When a child has been adjudicated dependent, a
 8 case plan has been filed with the court, and:

9 1. The child continues to be abused, neglected, or
 10 abandoned by the parents. In this case, the failure of the
 11 parents to substantially comply for a period of 12 months
 12 after an adjudication of the child as a dependent child or the
 13 child's placement into shelter care, whichever came first,
 14 constitutes evidence of continuing abuse, neglect, or
 15 abandonment unless the failure to substantially comply with
 16 the case plan was due either to the lack of financial
 17 resources of the parents or to the failure of the department
 18 to make reasonable efforts to reunify the parent and child.
 19 ~~The~~ ~~Such~~ 12-month period begins ~~may begin~~ to run only after
 20 the child's placement into shelter care or the entry of a
 21 disposition order placing the custody of the child with the
 22 department or a person other than the parent and the approval
 23 by the court of a case plan with a goal of reunification with
 24 the parent, whichever came first; or-

25 2. The parent has materially breached the case plan by
 26 making it unlikely that he or she will be able to
 27 substantially comply with the case plan before the time for
 28 compliance expires. Time is of the essence for permanency of
 29 children in the dependency system. In order to prove the
 30 parent has materially breached the case plan, the court must
 31 find by clear and convincing evidence that the parent is

1 unlikely or unable to substantially comply with the case plan
2 before time expires to comply with the case plan.

3 (f) When the parent or parents engaged in egregious
4 conduct or had the opportunity and capability to prevent and
5 knowingly failed to prevent egregious conduct that threatens
6 the life, safety, or physical, mental, or emotional health of
7 the child or the child's sibling.

8 1. As used in this subsection, the term "sibling"
9 means another child who resides with or is cared for by the
10 parent or parents regardless of whether the child is related
11 legally or by consanguinity.

12 2. As used in this subsection, the term "egregious
13 conduct" means abuse, abandonment, neglect, or any other
14 conduct of the parent or parents that is deplorable, flagrant,
15 or outrageous by a normal standard of conduct. Egregious
16 conduct may include an act or omission that occurred only once
17 but was of such intensity, magnitude, or severity as to
18 endanger the life of the child.

19 (g) When the parent or parents have subjected the
20 child to aggravated child abuse as defined in s. 827.03,
21 sexual battery or sexual abuse as defined in s. 39.01, or
22 chronic abuse.

23 (h) When the parent or parents have committed murder
24 or voluntary manslaughter of another child, or a felony
25 assault that results in serious bodily injury to the child or
26 another child, or aided or abetted, attempted, conspired, or
27 solicited to commit such a murder or voluntary manslaughter or
28 felony assault.

29 (i) When the parental rights of the parent to a
30 sibling have been terminated involuntarily.

31 (2) Reasonable efforts to preserve and reunify

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1 families are ~~shall~~ not ~~be~~ required if a court of competent
2 jurisdiction has determined that any of the events described
3 in paragraphs (1)(e)-(i) have occurred.

4 Section 26. Subsection (1) of section 39.810, Florida
5 Statutes, is amended to read:

6 39.810 Manifest best interests of the child.--In a
7 hearing on a petition for termination of parental rights, the
8 court shall consider the manifest best interests of the child.
9 This consideration shall not include a comparison between the
10 attributes of the parents and those of any persons providing a
11 present or potential placement for the child. For the purpose
12 of determining the manifest best interests of the child, the
13 court shall consider and evaluate all relevant factors,
14 including, but not limited to:

15 (1) Any suitable permanent custody arrangement with a
16 relative of the child. However, the availability of a
17 nonadoptive placement with a relative may not receive greater
18 consideration than any other factor weighing on the manifest
19 best interest of the child and may not be considered as a
20 factor weighing against termination of parental rights. If a
21 child has been in a stable or preadoptive placement for not
22 less than 6 months, the availability of a different placement,
23 including a placement with a relative, may not be considered
24 as a ground to deny the termination of parental rights.

25 Section 27. Subsection (4) of section 39.811, Florida
26 Statutes, is amended to read:

27 39.811 Powers of disposition; order of disposition.--

28 (4) If the child is neither in the custody of the
29 department nor in the custody of a parent and the court finds
30 that the grounds for termination of parental rights have been
31 established for either or both parents, the court shall enter

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1 an order terminating parental rights for the parent or parents
2 for whom the grounds for termination have been established and
3 placing the child with the department or an appropriate legal
4 custodian. If the parental rights of both parents have been
5 terminated, or if the parental rights of only one parent have
6 been terminated and the court makes specific findings based on
7 evidence presented that placement with the remaining parent is
8 likely to be harmful to the child, the court may order that
9 the child be placed with a legal custodian other than the
10 department after hearing evidence of the suitability of the
11 ~~such~~ intended placement. Suitability of the intended placement
12 includes the fitness and capabilities of the proposed legal
13 custodian to function as the primary caregiver for a
14 particular child; and the compatibility of the child with the
15 home in which the child is intended to be placed. If the
16 court orders that a child be placed with a legal custodian
17 under this subsection, the court shall appoint a such legal
18 custodian ~~either~~ as the guardian for the child as provided in
19 s. 744.3021 or s. 39.621 ~~or as the long-term custodian of the~~
20 ~~child as provided in s. 39.622 so long as the child has been~~
21 ~~residing with the legal custodian for a minimum of 6 months.~~
22 The court may modify the order placing the child in the
23 custody of the legal custodian and revoke the guardianship
24 established under s. 744.3021 or another ~~the long-term~~
25 ~~custodial~~ relationship if the court subsequently finds the
26 placement to be no longer in the best interest of the child.

27 Section 28. Paragraph (b) of subsection (3) of section
28 39.0015, Florida Statutes, is amended to read:

29 39.0015 Child abuse prevention training in the
30 district school system.--

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

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1 (b) "Child abuse" means those acts as defined in ss.
 2 39.01(1), (2), ~~(32)~~, ~~(42)~~, ~~(44)~~, ~~(55)~~ ~~(30)~~, ~~(43)~~, ~~(45)~~, ~~(52)~~,
 3 and ~~(62)~~ ~~(63)~~, 827.04, and 984.03(1), (2), and (37).

4 Section 29. Subsection (5) of section 39.205, Florida
 5 Statutes, is amended to read:

6 39.205 Penalties relating to reporting of child abuse,
 7 abandonment, or neglect.--

8 (5) If the department or its authorized agent has
 9 determined after its investigation that a report is false, the
 10 department shall, with the consent of the alleged perpetrator,
 11 refer the report to the local law enforcement agency having
 12 jurisdiction for an investigation to determine whether
 13 sufficient evidence exists to refer the case for prosecution
 14 for filing a false report as defined in s. 39.01(28) ~~s.~~
 15 ~~39.01(27)~~. During the pendency of the investigation by the
 16 local law enforcement agency, the department must notify the
 17 local law enforcement agency of, and the local law enforcement
 18 agency must respond to, all subsequent reports concerning
 19 children in that same family in accordance with s. 39.301. If
 20 the law enforcement agency believes that there are indicators
 21 of abuse, abandonment, or neglect, it must immediately notify
 22 the department, which must assure the safety of the children.
 23 If the law enforcement agency finds sufficient evidence for
 24 prosecution for filing a false report, it must refer the case
 25 to the appropriate state attorney for prosecution.

26 Section 30. Subsection (1) of section 39.302, Florida
 27 Statutes, is amended to read:

28 39.302 Protective investigations of institutional
 29 child abuse, abandonment, or neglect.--

30 (1) The department shall conduct a child protective
 31 investigation of each report of institutional child abuse,

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1 abandonment, or neglect. Upon receipt of a report that
 2 alleges that an employee or agent of the department, or any
 3 other entity or person covered by s. 39.01(33) or (46) ~~s.~~
 4 ~~39.01(31) or (47)~~, acting in an official capacity, has
 5 committed an act of child abuse, abandonment, or neglect, the
 6 department shall initiate a child protective investigation
 7 within the timeframe established by the central abuse hotline
 8 under ~~pursuant to~~ s. 39.201(5) and orally notify the
 9 appropriate state attorney, law enforcement agency, and
 10 licensing agency. These agencies shall immediately conduct a
 11 joint investigation, unless independent investigations are
 12 more feasible. When conducting investigations onsite or having
 13 face-to-face interviews with the child, such investigation
 14 visits shall be unannounced unless it is determined by the
 15 department or its agent that the ~~such~~ unannounced visits would
 16 threaten the safety of the child. When a facility is exempt
 17 from licensing, the department shall inform the owner or
 18 operator of the facility of the report. Each agency
 19 conducting a joint investigation is ~~shall be~~ entitled to full
 20 access to the information gathered by the department in the
 21 course of the investigation. A protective investigation must
 22 include an onsite visit of the child's place of residence. In
 23 all cases, the department shall make a full written report to
 24 the state attorney within 3 working days after making the oral
 25 report. A criminal investigation shall be coordinated,
 26 whenever possible, with the child protective investigation of
 27 the department. Any interested person who has information
 28 regarding the offenses described in this subsection may
 29 forward a statement to the state attorney as to whether
 30 prosecution is warranted and appropriate. Within 15 days after
 31 the completion of the investigation, the state attorney shall

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1 report the findings to the department and shall include in the
2 ~~such~~ report a determination of whether or not prosecution is
3 justified and appropriate in view of the circumstances of the
4 specific case.

5 Section 31. For the purpose of incorporating the
6 amendments made by this act to section 39.806, Florida
7 Statutes, in a reference thereto, subsection (5) of section
8 39.802, Florida Statutes, is reenacted to read:

9 39.802 Petition for termination of parental rights;
10 filing; elements.--

11 (5) When a petition for termination of parental rights
12 is filed under s. 39.806(1), a separate petition for
13 dependency need not be filed and the department need not offer
14 the parents a case plan with a goal of reunification, but may
15 instead file with the court a case plan with a goal of
16 termination of parental rights to allow continuation of
17 services until the termination is granted or until further
18 orders of the court are issued.

19 Section 32. Subsection (1) of section 39.828, Florida
20 Statutes, is amended to read:

21 39.828 Grounds for appointment of a guardian
22 advocate.--

23 (1) The court shall appoint the person named in the
24 petition as a guardian advocate with all the powers and duties
25 specified in s. 39.829 for an initial term of 1 year upon a
26 finding that:

27 (a) The child named in the petition is or was a drug
28 dependent newborn as described in s. 39.01(32)(g) ~~s.~~
29 ~~39.01(30)(g)~~;

30 (b) The parent or parents of the child have
31 voluntarily relinquished temporary custody of the child to a

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1 relative or other responsible adult;

2 (c) The person named in the petition to be appointed
3 the guardian advocate is capable of carrying out the duties as
4 provided in s. 39.829; and

5 (d) A petition to adjudicate the child dependent under
6 ~~pursuant to~~ this chapter has not been filed.

7 Section 33. Subsection (3) of section 63.092, Florida
8 Statutes, is amended to read:

9 63.092 Report to the court of intended placement by an
10 adoption entity; at-risk placement; preliminary study.--

11 (3) PRELIMINARY HOME STUDY.--Before placing the minor
12 in the intended adoptive home, a preliminary home study must
13 be performed by a licensed child-placing agency, a
14 child-caring agency registered under s. 409.176, a licensed
15 professional, or agency described in s. 61.20(2), unless the
16 adoptee is an adult or the petitioner is a stepparent or a
17 relative. If the adoptee is an adult or the petitioner is a
18 stepparent or a relative, a preliminary home study may be
19 required by the court for good cause shown. The department is
20 required to perform the preliminary home study only if there
21 is no licensed child-placing agency, child-caring agency
22 registered under s. 409.176, licensed professional, or agency
23 described in s. 61.20(2), in the county where the prospective
24 adoptive parents reside. The preliminary home study must be
25 made to determine the suitability of the intended adoptive
26 parents and may be completed prior to identification of a
27 prospective adoptive minor. A favorable preliminary home study
28 is valid for 1 year after the date of its completion. Upon its
29 completion, a copy of the home study must be provided to the
30 intended adoptive parents who were the subject of the home
31 study. A minor may not be placed in an intended adoptive home

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1 before a favorable preliminary home study is completed unless
2 the adoptive home is also a licensed foster home under s.
3 409.175. The preliminary home study must include, at a
4 minimum:

5 (a) An interview with the intended adoptive parents;

6 (b) Records checks of the department's central abuse
7 registry and criminal records correspondence checks under s.
8 39.0138 ~~pursuant to s. 435.045~~ through the Department of Law

9 Enforcement on the intended adoptive parents;

10 (c) An assessment of the physical environment of the
11 home;

12 (d) A determination of the financial security of the
13 intended adoptive parents;

14 (e) Documentation of counseling and education of the
15 intended adoptive parents on adoptive parenting;

16 (f) Documentation that information on adoption and the
17 adoption process has been provided to the intended adoptive
18 parents;

19 (g) Documentation that information on support services
20 available in the community has been provided to the intended
21 adoptive parents; and

22 (h) A copy of each signed acknowledgment of receipt of
23 disclosure required by s. 63.085.

24

25 If the preliminary home study is favorable, a minor may be
26 placed in the home pending entry of the judgment of adoption.

27 A minor may not be placed in the home if the preliminary home
28 study is unfavorable. If the preliminary home study is

29 unfavorable, the adoption entity may, within 20 days after
30 receipt of a copy of the written recommendation, petition the

31 court to determine the suitability of the intended adoptive

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1 | home. A determination as to suitability under this subsection
 2 | does not act as a presumption of suitability at the final
 3 | hearing. In determining the suitability of the intended
 4 | adoptive home, the court must consider the totality of the
 5 | circumstances in the home. No minor may be placed in a home in
 6 | which there resides any person determined by the court to be a
 7 | sexual predator as defined in s. 775.21 or to have been
 8 | convicted of an offense listed in s. 63.089(4)(b)2.

9 | Section 34. Paragraph (d) of subsection (1) of section
 10 | 419.001, Florida Statutes, is amended to read:

11 | 419.001 Site selection of community residential
 12 | homes.--

13 | (1) For the purposes of this section, the following
 14 | definitions shall apply:

15 | (d) "Resident" means any of the following: a frail
 16 | elder as defined in s. 400.618; a physically disabled or
 17 | handicapped person as defined in s. 760.22(7)(a); a
 18 | developmentally disabled person as defined in s. 393.063; a
 19 | nondangerous mentally ill person as defined in s. 394.455(18);
 20 | or a child who is found to be dependent or a child in need of
 21 | services as defined in s. 39.01(14), s. 984.03(9) or (12), or
 22 | s. 985.03(8).

23 | Section 35. Sections 39.601, 39.622, 39.623, 39.624,
 24 | and 435.045, Florida Statutes, are repealed.

25 | Section 36. This act shall take effect July 1, 2006.

26 |
 27 |

28 | ===== T I T L E A M E N D M E N T =====

29 | And the title is amended as follows:

30 | Delete everything before the enacting clause

31 |

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1 and insert:

2 A bill to be entitled

3 An act relating to child protective services;

4 amending s. 39.01, F.S.; revising definitions

5 relating to child protective services; amending

6 s. 39.0121, F.S.; authorizing the Department of

7 Children and Family Services to adopt rules for

8 sharing information contained in a child's case

9 plan with the custodian and family services

10 counselor; amending s. 39.013, F.S.; removing

11 provisions relating to continuances; creating

12 s. 39.0136, F.S.; providing for time

13 limitations in child protective cases;

14 providing exceptions; creating s. 39.0137;

15 providing that state laws do not supersede

16 certain federal laws; requiring the Department

17 of Children and Family Services to adopt rules;

18 creating s. 39.0138, F.S.; authorizing the

19 department to conduct criminal background

20 record checks of persons being considered as

21 prospective foster parents; providing that a

22 court may review the granting or denial of an

23 exemption from disqualification to care for a

24 dependent child; providing that the person

25 seeking placement of a child has the burden of

26 setting forth evidence that he or she will not

27 endanger the child if placement is allowed;

28 amending s. 39.201, F.S.; requiring that any

29 person who knows or suspects that a child is in

30 need of supervision and care and has no parent,

31 legal custodian, or responsible adult relative

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1 immediately known and available to provide
2 supervision and care, must report this
3 information to the central abuse hotline of the
4 Department of Children and Family Services;
5 amending s. 39.301, F.S.; providing that the
6 department may rely upon a previous report to
7 indicate that child abuse has occurred;
8 redefining the term "criminal conduct" to
9 include a child who is known or suspected to be
10 a victim of human trafficking; requiring each
11 child protective investigator to inform the
12 person who is the subject of a child protective
13 investigation that he or she has a duty to
14 report any change in the residence or location
15 of the child to the investigator and that the
16 duty to report continues until the
17 investigation is closed; providing that if the
18 child has moved to a different residence or
19 location, a report may be filed with a law
20 enforcement agency under certain circumstances;
21 amending 39.303, F.S.; conforming provisions to
22 changes made by the act; amending s. 39.402,
23 F.S.; requiring that a shelter hearing order
24 contain specified information relating to the
25 availability of services to prevent removal
26 from the home; amending s. 39.507, F.S.;
27 requiring the court to inquire of the parents
28 whether the parents have relatives who might be
29 considered as a placement for the child;
30 requiring that the court advise the parents
31 that if they fail to comply with the case plan

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1 their parental rights may be terminated;
2 amending s. 39.5085, F.S.; conforming
3 provisions to changes made by the act;
4 correcting cross-references; amending s.
5 39.521, F.S.; clarifying circumstances under
6 which transferring custody to an adult relative
7 must be considered; amending s. 39.522, F.S.;
8 requiring the court to consider the continuity
9 of the child's placement in the same
10 out-of-home residence as a factor when
11 determining the best interests of the child in
12 a postdisposition proceeding to modify custody;
13 creating s. 39.6011, F.S.; providing procedures
14 for drafting and implementing a case plan;
15 requiring the department to prepare a case plan
16 for each child receiving services from the
17 department; requiring certain face-to-face
18 meetings; creating s. 39.6012, F.S.; providing
19 for case plan tasks and services; providing the
20 content for the case plan; creating s. 39.6013,
21 F.S.; providing for amendments to a case plan;
22 describing the circumstance under which a case
23 plan may be modified; amending s. 39.603, F.S.;
24 requiring that case plans and amendments be
25 approved by the court; amending s. 39.621,
26 F.S.; declaring that time is of the essence for
27 a child in the dependency system; providing
28 prehearing procedures; providing for permanency
29 hearings; directing the court to make certain
30 findings at the permanency hearing; creating s.
31 39.6221, F.S.; providing for the permanent

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1 guardianship for a dependent child; authorizing
2 the court to consider a permanent guardian as a
3 long-term option for a dependent child;
4 requiring a written order; providing for the
5 contents of the permanent guardianship order;
6 creating s. 39.6231, F.S.; providing for
7 placement with a fit and willing relative;
8 requiring the court to specify the reasons to
9 place a child with a relative; providing for
10 the department to supervise the placement for a
11 specified time period; creating s. 39.6241,
12 F.S.; authorizing the court to place a child in
13 another planned permanent living arrangement
14 under certain circumstances; amending s.
15 39.701, F.S.; requiring that a child's current
16 health and education records be included in the
17 documentation for the judicial review report;
18 requiring the court to conduct a judicial
19 review 6 months after the child was placed in
20 shelter care; amending s. 39.703, F.S.;

21 providing when the department may file a
22 petition for termination of parental rights;
23 providing that the department may choose not to
24 file a petition under certain specified
25 circumstances; amending s. 39.806, F.S.;

26 authorizing a material breach of the case plan
27 as a ground to terminate parental rights;
28 requiring that the department show, and the
29 court find, the material breach by clear and
30 convincing evidence; amending s. 39.810, F.S.;

31 providing certain factors for the court to

Bill No. CS for SB 1080

Barcode 375390

1 consider for the best interest of the child;
2 amending s. 39.811, F.S.; conforming provisions
3 to changes made by the act; amending ss.
4 39.0015, 39.205, 39.302, 39.828, 63.092, and
5 419.001, F.S.; correcting cross-references;
6 reenacting s. 39.802(5), F.S., relating to the
7 filing of a petition to terminate parental
8 rights, to incorporate the amendments made to
9 s. 39.806, F.S., in a reference thereto;
10 repealing ss. 39.601, 39.622, 39.623, 39.624,
11 and 435.045, F.S., relating to case plan
12 requirements, long-term custody of a dependent
13 child, long-term licensed custody of a
14 dependent child, independent living, and
15 background screening of certain persons before
16 a dependent child is placed in their home;
17 providing an effective date.

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