

By the Committee on Children and Families

586-1702-06

1                                   A bill to be entitled  
2           An act relating to child protective services;  
3           amending s. 39.01, F.S.; revising definitions  
4           relating to child protective services; amending  
5           s. 39.013, F.S.; removing provisions relating  
6           to continuances; creating s. 39.0136, F.S.;  
7           providing for time limitations in child  
8           protective cases; providing exceptions;  
9           creating s. 39.0137; providing that state laws  
10          do not supersede certain federal laws;  
11          requiring the Department of Children and Family  
12          Services to adopt rules; creating s. 39.0138,  
13          F.S.; authorizing the department to conduct  
14          criminal background record checks of persons  
15          being considered as prospective foster parents;  
16          providing for exemptions from disqualifications  
17          to care for a dependent child; providing that a  
18          court may review the granting or denial of an  
19          exemption from disqualification to care for a  
20          dependent child; amending s. 39.201, F.S.;  
21          requiring that any person who knows or suspects  
22          that a child is in need of supervision and care  
23          and has no parent, legal custodian, or  
24          responsible adult relative immediately known  
25          and available to provide supervision and care,  
26          must report this information to the central  
27          abuse hotline of the Department of Children and  
28          Family Services; amending s. 39.301, F.S.;  
29          providing that the department may rely upon a  
30          previous report to indicate that child abuse  
31          has occurred; redefining the term "criminal

1 |           conduct" to include a child who is known or  
2 |           suspected to be a victim of human trafficking;  
3 |           requiring each child protective investigator to  
4 |           inform the person who is the subject of a child  
5 |           protective investigation that he or she has a  
6 |           duty to report any change in the residence or  
7 |           location of the child to the investigator and  
8 |           that the duty to report continues until the  
9 |           investigation is closed; providing that if the  
10 |          child has moved to a different residence or  
11 |          location, a report may be filed with a law  
12 |          enforcement agency under certain circumstances;  
13 |          amending 39.303, F.S.; conforming provisions to  
14 |          changes made by the act; amending s. 39.402,  
15 |          F.S.; requiring that a shelter hearing order  
16 |          contain specified information relating to the  
17 |          availability of services to prevent removal  
18 |          from the home; amending s. 39.507, F.S.;  
19 |          requiring the court to inquire of the parents  
20 |          whether the parents have relatives who might be  
21 |          considered as a placement for the child;  
22 |          directs the court to advise the parents that,  
23 |          if the child is not returned to their custody  
24 |          within 12 months, their parental rights may be  
25 |          terminated; amending s. 39.5085, F.S.;  
26 |          conforming provisions to changes made by the  
27 |          act; correcting cross-references; amending s.  
28 |          39.522, F.S.; requiring the court to consider  
29 |          the continuity of the child's placement in the  
30 |          same out-of-home residence as a factor when  
31 |          determining the best interests of the child in

1 a postdisposition proceeding to modify custody;  
2 creating s. 39.6011, F.S.; providing procedures  
3 for drafting and implementing a case plan;  
4 requiring the department to prepare a case plan  
5 for each child receiving services from the  
6 department; requiring certain face-to-face  
7 meetings; creating s. 39.6012, F.S.; providing  
8 for case plan tasks and services; providing the  
9 content for the case plan; creating s. 39.6013,  
10 F.S.; providing for amendments to a case plan;  
11 describing the circumstance under which a case  
12 plan may be modified; amending s. 39.603, F.S.;  
13 requiring that case plans and amendments be  
14 approved by the court; amending s. 39.621,  
15 F.S.; declaring that time is of the essence for  
16 a child in the dependency system; providing  
17 prehearing procedures; providing for permanency  
18 hearings; directing the court to make certain  
19 findings at the permanency hearing; creating s.  
20 39.6221, F.S.; providing for the permanent  
21 guardianship for a dependent child; authorizing  
22 the court to consider a permanent guardian as a  
23 long-term option for a dependent child;  
24 requiring a written order; providing for the  
25 contents of the permanent guardianship order;  
26 creating s. 39.6231, F.S.; providing for  
27 placement with a fit and willing relative;  
28 requiring the court to specify the reasons to  
29 place a child with a relative; providing for  
30 the department to supervise the placement for a  
31 specified time period; creating s. 39.6241,

1 F.S.; authorizing the court to place a child in  
2 another planned permanent living arrangement  
3 under certain circumstances; amending s.  
4 39.701, F.S.; requiring that a child's current  
5 health and education records be included in the  
6 documentation for the judicial review report;  
7 requiring the court to conduct a judicial  
8 review 6 months after the child was placed in  
9 shelter care; amending s. 39.703, F.S.;  
10 providing when the department may file a  
11 petition for termination of parental rights;  
12 prohibiting the department from filing a  
13 petition under certain specified circumstances;  
14 amending s. 39.806, F.S.; authorizing a  
15 material breach of the case plan as a ground to  
16 terminate parental rights; requiring that the  
17 department show, and the court find, the  
18 material breach by clear and convincing  
19 evidence; amending s. 39.810, F.S.; providing  
20 certain factors for the court to consider for  
21 the best interest of the child; amending s.  
22 39.811, F.S.; conforming provisions to changes  
23 made by the act; amending ss. 39.0015, 39.205,  
24 39.302, 39.828, 63.092, and 419.001, F.S.;  
25 correcting cross-references; reenacting s.  
26 39.802(5), F.S., relating to the filing of a  
27 petition to terminate parental rights, to  
28 incorporate the amendments made to s. 39.806,  
29 F.S., in a reference thereto; repealing ss.  
30 39.601, 39.622, 39.623, 39.624, and 435.045,  
31 F.S., relating to case plan requirements,

1 long-term custody of a dependent child,  
2 long-term licensed custody of a dependent  
3 child, independent living, and background  
4 screening of certain persons before a dependent  
5 child is placed in their home; providing an  
6 effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:

9  
10 Section 1. Section 39.01, Florida Statutes, is amended  
11 to read:

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

14 (1) "Abandoned" means a situation in which the parent  
15 or legal custodian of a child or, in the absence of a parent  
16 or legal custodian, the caregiver responsible for the child's  
17 welfare, while being able, makes no provision for the child's  
18 support and makes no effort to communicate with the child,  
19 which situation is sufficient to evince a willful rejection of  
20 parental obligations. If the efforts of the ~~such~~ parent or  
21 legal custodian, or caregiver primarily responsible for the  
22 child's welfare, to support and communicate with the child  
23 are, in the opinion of the court, only marginal efforts that  
24 do not evince a settled purpose to assume all parental duties,  
25 the court may declare the child to be abandoned. The term  
26 "abandoned" does not include an abandoned newborn infant as  
27 described in s. 383.50, a "child in need of services" as  
28 defined in chapter 984, or a "family in need of services" as  
29 defined in chapter 984. The incarceration of a parent, legal  
30 custodian, or caregiver responsible for a child's welfare may  
31 support a finding of abandonment.

1           (2) "Abuse" means any willful act or threatened act  
2 that results in any physical, mental, or sexual injury or harm  
3 that causes or is likely to cause the child's physical,  
4 mental, or emotional health to be significantly impaired.  
5 Abuse of a child includes acts or omissions. Corporal  
6 discipline of a child by a parent or legal custodian for  
7 disciplinary purposes does not in itself constitute abuse when  
8 it does not result in harm to the child.

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

11           (4) "Adjudicatory hearing" means a hearing for the  
12 court to determine whether or not the facts support the  
13 allegations stated in the petition in dependency cases or in  
14 termination of parental rights cases.

15           (5) "Adult" means any natural person other than a  
16 child.

17           (6) "Adoption" means the act of creating the legal  
18 relationship between parent and child where it did not exist,  
19 thereby declaring the child to be legally the child of the  
20 adoptive parents and their heir at law, and entitled to all  
21 the rights and privileges and subject to all the obligations  
22 of a child born to the ~~such~~ adoptive parents in lawful  
23 wedlock.

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

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

28           (b) A child who is alleged to have committed any  
29 violation of law or delinquent act involving juvenile sexual  
30 abuse. "Juvenile sexual abuse" means any sexual behavior which  
31 occurs without consent, without equality, or as a result of

1 coercion. For purposes of this paragraph, the following  
2 definitions apply:

3 1. "Coercion" means the exploitation of authority or  
4 the use of bribes, threats of force, or intimidation to gain  
5 cooperation or compliance.

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

9 3. "Consent" means an agreement, including all of the  
10 following:

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

13 b. Knowledge of societal standards for what is being  
14 proposed.

15 c. Awareness of potential consequences and  
16 alternatives.

17 d. Assumption that agreement or disagreement will be  
18 accepted equally.

19 e. Voluntary decision.

20 f. Mental competence.

21  
22 Juvenile sexual offender behavior ranges from noncontact  
23 sexual behavior such as making obscene phone calls,  
24 exhibitionism, voyeurism, and the showing or taking of lewd  
25 photographs to varying degrees of direct sexual contact, such  
26 as frottage, fondling, digital penetration, rape, fellatio,  
27 sodomy, and various other sexually aggressive acts.

28 (8) "Arbitration" means a process whereby a neutral  
29 third person or panel, called an arbitrator or an arbitration  
30 panel, considers the facts and arguments presented by the  
31

1 parties and renders a decision which may be binding or  
2 nonbinding.

3 (9) "Authorized agent" or "designee" of the department  
4 means an employee, volunteer, or other person or agency  
5 determined by the state to be eligible for state-funded risk  
6 management coverage, which ~~that~~ is assigned or designated by  
7 the department to perform duties or exercise powers under  
8 ~~pursuant to~~ this chapter.

9 (10) "Caregiver" means the parent, legal custodian,  
10 permanent guardian, adult household member, or other person  
11 responsible for a child's welfare as defined in subsection  
12 ~~(46)-(47)~~.

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

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

22 (13) "Child protection team" means a team of  
23 professionals established by the Department of Health to  
24 receive referrals from the protective investigators and  
25 protective supervision staff of the department and to provide  
26 specialized and supportive services to the program in  
27 processing child abuse, abandonment, or neglect cases. A child  
28 protection team shall provide consultation to other programs  
29 of the department and other persons regarding child abuse,  
30 abandonment, or neglect cases.

31



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

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

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

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

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

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

21           (f) To be at substantial risk of imminent abuse,  
22 abandonment, or neglect by the parent or parents or legal  
23 custodians.

24           (15) "Child support" means a court-ordered obligation,  
25 enforced under chapter 61 and ss. 409.2551-409.2597, for  
26 monetary support for the care, maintenance, training, and  
27 education of a child.

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

30           (17) "Comprehensive assessment" or "assessment" means  
31 the gathering of information for the evaluation of a child's

1 and caregiver's physical, psychiatric, psychological or mental  
2 health, educational, vocational, and social condition and  
3 family environment as they relate to the child's and  
4 caregiver's need for rehabilitative and treatment services,  
5 including substance abuse treatment services, mental health  
6 services, developmental services, literacy services, medical  
7 services, family services, and other specialized services, as  
8 appropriate.

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

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

16 (b) Permanent guardianship of a dependent child under  
17 s. 39.6221;

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

20 (d) Placement in another planned permanent living  
21 arrangement under s. 39.6241.

22 ~~(19)~~(18) "Court," unless otherwise expressly stated,  
23 means the circuit court assigned to exercise jurisdiction  
24 under this chapter.

25 ~~(20)~~(19) "Department" means the Department of Children  
26 and Family Services.

27 ~~(21)~~(20) "Diligent efforts by a parent" means a course  
28 of conduct which results in a reduction in risk to the child  
29 in the child's home that would allow the child to be safely  
30 placed permanently back in the home as set forth in the case  
31 plan.

1           ~~(22)~~(21) "Diligent efforts of social service agency"  
2 means reasonable efforts to provide social services or  
3 reunification services made by any social service agency that  
4 is a party to a case plan.

5           ~~(23)~~(22) "Diligent search" means the efforts of a  
6 social service agency to locate a parent or prospective parent  
7 whose identity or location is unknown, initiated as soon as  
8 the social service agency is made aware of the existence of  
9 such parent, with the search progress reported at each court  
10 hearing until the parent is either identified and located or  
11 the court excuses further search.

12           ~~(24)~~(23) "Disposition hearing" means a hearing in  
13 which the court determines the most appropriate protections,  
14 services, and placement for the child in dependency cases.

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

17           ~~(26)~~(25) "District administrator" means the chief  
18 operating officer of each service district of the department  
19 as defined in s. 20.19(5) and, where appropriate, includes any  
20 district administrator whose service district falls within the  
21 boundaries of a judicial circuit.

22           ~~(27)~~(26) "Expedited termination of parental rights"  
23 means proceedings wherein a case plan with the goal of  
24 reunification is not being offered.

25           ~~(28)~~(27) "False report" means a report of abuse,  
26 neglect, or abandonment of a child to the central abuse  
27 hotline, which report is maliciously made for the purpose of:

- 28           (a) Harassing, embarrassing, or harming another  
29 person;  
30           (b) Personal financial gain for the reporting person;  
31           (c) Acquiring custody of a child; or

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

3  
4 The term "false report" does not include a report of abuse,  
5 neglect, or abandonment of a child made in good faith to the  
6 central abuse hotline.

7           ~~(29)(28)~~ "Family" means a collective body of persons,  
8 consisting of a child and a parent, legal custodian, or adult  
9 relative, in which:

10           (a) The persons reside in the same house or living  
11 unit; or

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

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

19           ~~(31)(29)~~ "Foster care" means care provided a child in  
20 a foster family or boarding home, group home, agency boarding  
21 home, child care institution, or any combination thereof.

22           ~~(32)(30)~~ "Harm" to a child's health or welfare can  
23 occur when any person:

24           (a) Inflicts or allows to be inflicted upon the child  
25 physical, mental, or emotional injury. In determining whether  
26 harm has occurred, the following factors must be considered in  
27 evaluating any physical, mental, or emotional injury to a  
28 child: the age of the child; any prior history of injuries to  
29 the child; the location of the injury on the body of the  
30 child; the multiplicity of the injury; and the type of trauma  
31 inflicted. Such injury includes, but is not limited to:

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

15  
16 As used in this subparagraph, the term "willful" refers to the  
17 intent to perform an action, not to the intent to achieve a  
18 result or to cause an injury.

19           2. Purposely giving a child poison, alcohol, drugs, or  
20 other substances that substantially affect the child's  
21 behavior, motor coordination, or judgment or that result in  
22 sickness or internal injury. For the purposes of this  
23 subparagraph, the term "drugs" means prescription drugs not  
24 prescribed for the child or not administered as prescribed,  
25 and controlled substances as outlined in Schedule I or  
26 Schedule II of s. 893.03.

27           3. Leaving a child without adult supervision or  
28 arrangement appropriate for the child's age or mental or  
29 physical condition, so that the child is unable to care for  
30 the child's own needs or another's basic needs or is unable to  
31

1 exercise good judgment in responding to any kind of physical  
2 or emotional crisis.

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

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

25 k. Significant bruises or welts.

26 (b) Commits, or allows to be committed, sexual  
27 battery, as defined in chapter 794, or lewd or lascivious  
28 acts, as defined in chapter 800, against the child.

29 (c) Allows, encourages, or forces the sexual  
30 exploitation of a child, which includes allowing, encouraging,  
31 or forcing a child to:

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

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

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

21           (f) Neglects the child. Within the context of the  
22 definition of "harm," the term "neglects the child" means that  
23 the parent or other person responsible for the child's welfare  
24 fails to supply the child with adequate food, clothing,  
25 shelter, or health care, although financially able to do so or  
26 although offered financial or other means to do so. However,  
27 a parent or legal custodian who, by reason of the legitimate  
28 practice of religious beliefs, does not provide specified  
29 medical treatment for a child may not be considered abusive or  
30 neglectful for that reason alone, but such an exception does  
31 not:

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

3           2. Prevent the department from investigating such a  
4 case; or

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

11           (g) Exposes a child to a controlled substance or  
12 alcohol. Exposure to a controlled substance or alcohol is  
13 established by:

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

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

20  
21 As used in this paragraph, the term "controlled substance"  
22 means prescription drugs not prescribed for the parent or not  
23 administered as prescribed and controlled substances as  
24 outlined in Schedule I or Schedule II of s. 893.03.

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

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

30  
31



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

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

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

11 ~~(33)(31)~~ "Institutional child abuse or neglect" means  
12 situations of known or suspected child abuse or neglect in  
13 which the person allegedly perpetrating the child abuse or  
14 neglect is an employee of a private school, public or private  
15 day care center, residential home, institution, facility, or  
16 agency or any other person at such institution responsible for  
17 the child's care.

18 ~~(34)(32)~~ "Judge" means the circuit judge exercising  
19 jurisdiction pursuant to this chapter.

20 ~~(35)(33)~~ "Legal custody" means a legal status created  
21 by a court order or letter of guardianship which vests in a  
22 custodian of the person or guardian, whether an agency or an  
23 individual, the right to have physical custody of the child  
24 and the right and duty to protect, nurture, guide ~~train~~, and  
25 discipline the child and to provide him or her with food,  
26 shelter, education, and ordinary medical, dental, psychiatric,  
27 and psychological care. ~~The legal custodian is the person or~~  
28 ~~entity in whom the legal right to custody is vested. For~~  
29 ~~purposes of this chapter only, when the phrase "parent or~~  
30 ~~legal custodian" is used, it refers to rights or~~  
31 ~~responsibilities of the parent and, only if there is no living~~

1 ~~parent with intact parental rights, to the rights or~~  
2 ~~responsibilities of the legal custodian who has assumed the~~  
3 ~~role of the parent.~~

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

8 ~~(36)(35) "Licensed child-caring agency" means a~~  
9 ~~person, society, association, or agency licensed by the~~  
10 ~~department to care for, receive, and board children.~~

11 ~~(37)(36) "Licensed child-placing agency" means a~~  
12 ~~person, society, association, or institution licensed by the~~  
13 ~~department to care for, receive, or board children and to~~  
14 ~~place children in a licensed child-caring institution or a~~  
15 ~~foster or adoptive home.~~

16 ~~(38)(37) "Licensed health care professional" means a~~  
17 ~~physician licensed under chapter 458, an osteopathic physician~~  
18 ~~licensed under chapter 459, a nurse licensed under part I of~~  
19 ~~chapter 464, a physician assistant licensed under chapter 458~~  
20 ~~or chapter 459, or a dentist licensed under chapter 466.~~

21 ~~(39)(38) "Likely to injure oneself" means that, as~~  
22 ~~evidenced by violent or other actively self-destructive~~  
23 ~~behavior, it is more likely than not that within a 24-hour~~  
24 ~~period the child will attempt to commit suicide or inflict~~  
25 ~~serious bodily harm on himself or herself.~~

26 ~~(40)(39) "Likely to injure others" means that it is~~  
27 ~~more likely than not that within a 24-hour period the child~~  
28 ~~will inflict serious and unjustified bodily harm on another~~  
29 ~~person.~~

30  
31

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

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

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

24           (41)~~(42)~~ "Mediation" means a process whereby a neutral  
25 third person called a mediator acts to encourage and  
26 facilitate the resolution of a dispute between two or more  
27 parties. It is an informal and nonadversarial process with  
28 the objective of helping the disputing parties reach a  
29 mutually acceptable and voluntary agreement. The role of the  
30 mediator includes, but is not limited to, assisting the  
31

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

1 (b) Treatment by a duly accredited practitioner who  
2 relies solely on spiritual means for healing in accordance  
3 with the tenets and practices of a well-recognized church or  
4 religious organization.

5  
6 Neglect of a child includes acts or omissions.

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

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

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

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

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

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

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

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

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

10 (a) Reunification;

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

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

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

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

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

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

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

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

1 self-sustaining through the transfer of parental rights with  
2 respect to the child relating to protection, education, care  
3 and control of the person, custody of the person, and  
4 decisionmaking on behalf of the child.

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

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

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

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

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

30 ~~(60)(57)~~ "Protective investigation" means the  
31 acceptance of a report alleging child abuse, abandonment, or



1 neglect, as defined in this chapter, by the central abuse  
2 hotline or the acceptance of a report of other dependency by  
3 the department; the investigation of each report; the  
4 determination of whether action by the court is warranted; the  
5 determination of the disposition of each report without court  
6 or public agency action when appropriate; and the referral of  
7 a child to another public or private agency when appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (f) The intentional exposure of the perpetrator's  
2 genitals in the presence of a child, or any other sexual act  
3 intentionally perpetrated in the presence of a child, if such  
4 exposure or sexual act is for the purpose of sexual arousal or  
5 gratification, aggression, degradation, or other similar  
6 purpose.

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

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

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

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

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

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

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

1 child's remaining with or being returned to the child's  
2 parent.

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

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

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

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

29 Section 2. Section 39.013, Florida Statutes, is  
30 amended to read:  
31

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

3           (1) All procedures, including petitions, pleadings,  
4 subpoenas, summonses, and hearings, in this chapter shall be  
5 conducted according to the Florida Rules of Juvenile Procedure  
6 unless otherwise provided by law. Parents must be informed by  
7 the court of their right to counsel in dependency proceedings  
8 at each stage of the dependency proceedings. Parents who are  
9 unable to afford counsel must be appointed counsel.

10          (2) The circuit court has ~~shall have~~ exclusive  
11 original jurisdiction of all proceedings under this chapter,  
12 of a child voluntarily placed with a licensed child-caring  
13 agency, a licensed child-placing agency, or the department,  
14 and of the adoption of children whose parental rights have  
15 been terminated under this chapter. Jurisdiction attaches when  
16 the initial shelter petition, dependency petition, or  
17 termination of parental rights petition is filed or when a  
18 child is taken into the custody of the department. The circuit  
19 court may assume jurisdiction over any such proceeding  
20 regardless of whether the child was in the physical custody of  
21 both parents, was in the sole legal or physical custody of  
22 only one parent, caregiver, or some other person, or was in  
23 the physical or legal custody of no person when the event or  
24 condition occurred that brought the child to the attention of  
25 the court. When the court obtains jurisdiction of any child  
26 who has been found to be dependent, the court shall retain  
27 jurisdiction, unless relinquished by its order, until the  
28 child reaches 18 years of age. However, if a youth petitions  
29 the court at any time before his or her 19th birthday  
30 requesting the court's continued jurisdiction, the juvenile  
31 court may retain jurisdiction under this chapter for a period

1 not to exceed 1 year following the youth's 18th birthday for  
2 the purpose of determining whether appropriate aftercare  
3 support, Road-to-Independence Scholarship, transitional  
4 support, mental health, and developmental disability services,  
5 to the extent otherwise authorized by law, have been provided  
6 to the formerly dependent child who was in the legal custody  
7 of the department immediately before his or her 18th birthday.  
8 If a petition for special immigrant juvenile status and an  
9 application for adjustment of status have been filed on behalf  
10 of a foster child and the petition and application have not  
11 been granted by the time the child reaches 18 years of age,  
12 the court may retain jurisdiction over the dependency case  
13 solely for the purpose of allowing the continued consideration  
14 of the petition and application by federal authorities. Review  
15 hearings for the child shall be set solely for the purpose of  
16 determining the status of the petition and application. The  
17 court's jurisdiction terminates upon the final decision of the  
18 federal authorities. Retention of jurisdiction in this  
19 instance does not affect the services available to a young  
20 adult under s. 409.1451. The court may not retain jurisdiction  
21 of the case after the immigrant child's 22nd birthday.

22 (3) When a child is under the jurisdiction of the  
23 circuit court pursuant to ~~the provisions of~~ this chapter, the  
24 circuit court assigned to handle dependency matters may  
25 exercise the general and equitable jurisdiction over  
26 guardianship proceedings under ~~pursuant to the provisions of~~  
27 chapter 744 and proceedings for temporary custody of minor  
28 children by extended family under ~~pursuant to the provisions~~  
29 ~~of~~ chapter 751.

30 (4) Orders entered pursuant to this chapter which  
31 affect the placement of, access to, parental time with,

1 adoption of, or parental rights and responsibilities for a  
2 minor child shall take precedence over other orders entered in  
3 civil actions or proceedings. However, if the court has  
4 terminated jurisdiction, the ~~such~~ order may be subsequently  
5 modified by a court of competent jurisdiction in any other  
6 civil action or proceeding affecting placement of, access to,  
7 parental time with, adoption of, or parental rights and  
8 responsibilities for the same minor child.

9 (5) The court shall expedite the resolution of the  
10 placement issue in cases involving a child who has been  
11 removed from the parent and placed in an out-of-home  
12 placement.

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

16 (7) Children removed from their homes shall be  
17 provided equal treatment with respect to goals, objectives,  
18 services, and case plans, without regard to the location of  
19 their placement.

20 (8) For any child who remains in the custody of the  
21 department, the court shall, within the month which  
22 constitutes the beginning of the 6-month period before the  
23 child's 18th birthday, hold a hearing to review the progress  
24 of the child while in the custody of the department.

25 (9)(a) At each stage of the proceedings under this  
26 chapter, the court shall advise the parents of the right to  
27 counsel. The court shall appoint counsel for indigent parents.  
28 The court shall ascertain whether the right to counsel is  
29 understood. When right to counsel is waived, the court shall  
30 determine whether the waiver is knowing and intelligent. The  
31 court shall enter its findings in writing with respect to the

1 appointment or waiver of counsel for indigent parents or the  
2 waiver of counsel by nonindigent parents.

3 (b) Once counsel has entered an appearance or been  
4 appointed by the court to represent the parent of the child,  
5 the attorney shall continue to represent the parent throughout  
6 the proceedings. If the attorney-client relationship is  
7 discontinued, the court shall advise the parent of the right  
8 to have new counsel retained or appointed for the remainder of  
9 the proceedings.

10 (c)1. ~~A~~ No waiver of counsel may not be accepted if it  
11 appears that the parent is unable to make an intelligent and  
12 understanding choice because of mental condition, age,  
13 education, experience, the nature or complexity of the case,  
14 or other factors.

15 2. A waiver of counsel made in court must be of  
16 record.

17 3. If a waiver of counsel is accepted at any hearing  
18 or proceeding, the offer of assistance of counsel must be  
19 renewed by the court at each subsequent stage of the  
20 proceedings at which the parent appears without counsel.

21 (d) This subsection does not apply to any parent who  
22 has voluntarily executed a written surrender of the child and  
23 consents to the entry of a court order terminating parental  
24 rights.

25 ~~(10) The time limitations in this chapter do not~~  
26 ~~include:~~

27 ~~(a) Periods of delay resulting from a continuance~~  
28 ~~granted at the request or with the consent of the child's~~  
29 ~~counsel or the child's guardian ad litem, if one has been~~  
30 ~~appointed by the court, or, if the child is of sufficient~~

31



1 ~~capacity to express reasonable consent, at the request or with~~  
2 ~~the consent of the child.~~

3 ~~(b) Periods of delay resulting from a continuance~~  
4 ~~granted at the request of any party, if the continuance is~~  
5 ~~granted:~~

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

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

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

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

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

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

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

16 ~~(10)(11)~~ Court-appointed counsel representing indigent  
17 parents at shelter hearings shall be paid from state funds  
18 appropriated by general law.

19 ~~(11)(12)~~ The court shall encourage the Statewide  
20 Guardian Ad Litem Office to provide greater representation to  
21 those children who are within 1 year of transferring out of  
22 foster care.

23 Section 3. Section 39.0136, Florida Statutes, is  
24 created to read:

25 39.0136 Time limitations; continuances.--

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

31

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

3           (a) Periods of delay resulting from a continuance  
4 granted at the request of the child's counsel or the child's  
5 guardian ad litem or, if the child is of sufficient capacity  
6 to express reasonable consent, at the request or with the  
7 consent of the child. The court must consider the best  
8 interests of the child when determining periods of delay under  
9 this section.

10           (b) Periods of delay resulting from a continuance  
11 granted at the request of any party if the continuance is  
12 granted:

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

22           2. To allow the requesting party additional time to  
23 prepare the case and additional time is justified because of  
24 an exceptional circumstance.

25           (c) Reasonable periods of delay necessary to  
26 accomplish notice of the hearing to the child's parent or  
27 legal custodian; however, the petitioner shall continue  
28 regular efforts to provide notice to the parents during the  
29 periods of delay.

30           (3) Notwithstanding subsection (2), in order to  
31 expedite permanency for a child, the total time allowed for

1 continuances or extensions of time may not exceed 60 days  
2 within any 12-month period for proceedings conducted under  
3 this chapter. A continuance or extension of time may be  
4 granted only for extraordinary circumstances in which it is  
5 necessary to preserve the constitutional rights of a party or  
6 if substantial evidence exists to demonstrate that without  
7 granting a continuance or extension of time the child's best  
8 interests will be harmed.

9 (4) Notwithstanding subsection (2), a continuance or  
10 an extension of time is limited to the number of days  
11 absolutely necessary to complete a necessary task in order to  
12 preserve the rights of a party or the best interests of a  
13 child.

14 Section 4. Section 39.0137, Florida Statutes, is  
15 created to read:

16 39.0137 Federal law; rulemaking authority.--

17 (1) This chapter does not supersede the requirements  
18 of the Indian Child Welfare Act, 25 U.S.C. ss. 1901, et seq.,  
19 or the Multi-Ethnic Placement Act of 1994, Pub. L. No.  
20 103-382, as amended, or the implementing regulations.

21 (2) The department shall adopt rules no later than  
22 July 1, 2007, to ensure that the provisions of these federal  
23 laws are enforced in this state. The department is encouraged  
24 to enter into agreements with recognized American Indian  
25 tribes in order to facilitate the implementation of the Indian  
26 Child Welfare Act.

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

29 39.0138 Requirements for placement of children;  
30 exemptions from disqualification.--

31

1           (1)(a) The department may conduct criminal record  
2 checks equivalent to the level 2 screening required in s.  
3 435.04 for any person being considered by the department for  
4 approval for placement of a child subject to a placement  
5 decision under this chapter. Approval for placement with any  
6 person other than a parent may not be granted in any case in  
7 which a record check reveals a felony conviction in a court of  
8 competent jurisdiction for:

9           1. Child abuse, abandonment, or neglect; spousal  
10 abuse; a crime against children, including child pornography,  
11 or a crime involving violence, including sexual battery,  
12 sexual assault, or homicide, but not including other physical  
13 assault or battery, if the felony was committed at any time;  
14 or

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

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

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

28           (d) The results of any background check of a parent  
29 conducted under this section must be considered in determining  
30 whether placement with the parent will jeopardize the safety  
31 of the child being placed.

1           (2) For purposes of this section and ss. 39.401(3) and  
2 39.521(1)(d), the department and its authorized agents or  
3 contract providers are considered criminal justice agencies  
4 for the purpose of accessing criminal justice information,  
5 including information from the National Crime Information  
6 Center, to be used for enforcing the state's laws concerning  
7 the crimes of child abuse, abandonment, and neglect. This  
8 information shall be used solely for purposes supporting the  
9 detection, apprehension, prosecution, pretrial release,  
10 posttrial release, or rehabilitation of criminal offenders or  
11 persons accused of the crimes of child abuse, abandonment, or  
12 neglect and may not be further disseminated or used for any  
13 other purposes.

14           (3) The department may grant to any person who is  
15 otherwise disqualified for approval of placement of a  
16 dependent child an exemption from disqualification for:

17           (a) Felonies committed more than 3 years before the  
18 date of disqualification;

19           (b) Misdemeanors prohibited under any of the Florida  
20 Statutes cited in this chapter or under similar statutes of  
21 other jurisdictions;

22           (c) Offenses that were felonies when committed but  
23 that are currently misdemeanors;

24           (d) Findings of delinquency; or

25           (e) Commissions of acts of domestic violence as  
26 defined in s. 741.30.

27  
28 For the purposes of this subsection, the term "felonies" means  
29 felonies prohibited under any of the Florida Statutes cited in  
30 this chapter or under similar statutes of other jurisdictions.  
31

1           (4) In order for the department to grant an exemption  
2 to any person, the person must demonstrate by clear and  
3 convincing evidence that the person should not be disqualified  
4 for approval of the placement of a dependent child. A person  
5 seeking an exemption has the burden of setting forth  
6 sufficient evidence of rehabilitation, including, but not  
7 limited to, the circumstances surrounding the incident for  
8 which an exemption is sought, the time period that has elapsed  
9 since the incident, the nature of the harm caused to the  
10 victim, and the history of the person since the incident, or  
11 any other evidence or circumstances indicating that the person  
12 will not present a danger if the placement of a child is  
13 allowed.

14           (5) Disqualification from placement of a child under  
15 subsection (3) may not be removed from, nor may an exemption  
16 be granted to, any person who is found guilty of, regardless  
17 of adjudication, or who has entered a plea of nolo contendere  
18 or guilty to, any felony covered by s. 435.03 solely by reason  
19 of any pardon, executive clemency, or restoration of civil  
20 rights.

21           (6) The court may review the decision of the  
22 department to grant or deny an exemption upon the motion of  
23 any party, the request of any person who has been denied an  
24 exemption by the department, or on its own motion. The court  
25 shall prepare written findings to support its decision in this  
26 matter.

27           Section 6. Paragraph (a) of subsection (1), paragraph  
28 (a) of subsection (2), and subsection (5) of section 39.201,  
29 Florida Statutes, are amended to read:

30  
31

1           39.201 Mandatory reports of child abuse, abandonment,  
2 or neglect; mandatory reports of death; central abuse  
3 hotline.--

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

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

28           (5) The department shall be capable of receiving and  
29 investigating, 24 hours a day, 7 days a week, reports of known  
30 or suspected child abuse, abandonment, or neglect and reports  
31 that a child is in need of supervision and care and has no



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

26 Section 7. Subsections (1), (2), (5), and (22) of  
27 section 39.301, Florida Statutes, are amended, and subsection  
28 (23) is added to that section, to read:

29 39.301 Initiation of protective investigations.--

30 (1) Upon receiving an oral or written report of known  
31 or suspected child abuse, abandonment, or neglect, or that a

1 child is in need of supervision and care and has no parent,  
2 legal custodian, or responsible adult relative immediately  
3 known and available to provide supervision and care, the  
4 central abuse hotline shall determine if the report requires  
5 an immediate onsite protective investigation. For reports  
6 requiring an immediate onsite protective investigation, the  
7 central abuse hotline shall immediately notify the  
8 department's designated children and families district staff  
9 responsible for protective investigations to ensure that an  
10 onsite investigation is promptly initiated. For reports not  
11 requiring an immediate onsite protective investigation, the  
12 central abuse hotline shall notify the department's designated  
13 children and families district staff responsible for  
14 protective investigations in sufficient time to allow for an  
15 investigation. At the time of notification of district staff  
16 with respect to the report, the central abuse hotline shall  
17 also provide information on any previous report concerning a  
18 subject of the present report or any pertinent information  
19 relative to the present report or any noted earlier reports.

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

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

26 1. A child is known or suspected to be the victim of  
27 child abuse, as defined in s. 827.03, or of neglect of a  
28 child, as defined in s. 827.03.

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

31

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

3           4. A child is known or suspected to be the victim of  
4 sexual battery, as defined in s. 827.071, or of sexual abuse,  
5 as defined in s. 39.01.

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

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

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

21           (d) The local law enforcement agreement required in s.  
22 39.306 shall describe the specific local protocols for  
23 implementing this section.

24           (5)(a) Upon commencing an investigation under this  
25 part, the child protective investigator shall inform any  
26 subject of the investigation of the following:

27           1. The names of the investigators and identifying  
28 credentials from the department.

29           2. The purpose of the investigation.

30           3. The right to obtain his or her own attorney and  
31 ways that the information provided by the subject may be used.

1           4. The possible outcomes and services of the  
2 department's response shall be explained to the parent or  
3 legal custodian.

4           5. The right of the parent or legal custodian to be  
5 involved to the fullest extent possible in determining the  
6 nature of the allegation and the nature of any identified  
7 problem.

8           6. The duty of the parent or legal custodian to report  
9 any change in the residence or location of the child to the  
10 investigator and that the duty to report continues until the  
11 investigation is closed.

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

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

29           (23) If, after having been notified of the requirement  
30 to report a change in residence or location of the child to  
31 the protective investigator, a parent or legal custodian

1 causes the child to move, or allows the child to be moved, to  
2 a different residence or location, or if the child leaves the  
3 residence on his or her own accord and the parent or legal  
4 custodian does not notify the protective investigator of the  
5 move within 2 business days, the child may be considered to be  
6 a missing child for the purposes of filing a report with a law  
7 enforcement agency under s. 937.021.

8 Section 8. Subsection (2) of section 39.303, Florida  
9 Statutes, is amended to read:

10 39.303 Child protection teams; services; eligible  
11 cases.--The Children's Medical Services Program in the  
12 Department of Health shall develop, maintain, and coordinate  
13 the services of one or more multidisciplinary child protection  
14 teams in each of the service districts of the Department of  
15 Children and Family Services. Such teams may be composed of  
16 appropriate representatives of school districts and  
17 appropriate health, mental health, social service, legal  
18 service, and law enforcement agencies. The Legislature finds  
19 that optimal coordination of child protection teams and sexual  
20 abuse treatment programs requires collaboration between the  
21 Department of Health and the Department of Children and Family  
22 Services. The two departments shall maintain an interagency  
23 agreement that establishes protocols for oversight and  
24 operations of child protection teams and sexual abuse  
25 treatment programs. The Secretary of Health and the Deputy  
26 Secretary for Children's Medical Services, in consultation  
27 with the Secretary of Children and Family Services, shall  
28 maintain the responsibility for the screening, employment,  
29 and, if necessary, the termination of child protection team  
30 medical directors, at headquarters and in the 15 districts.  
31

1 Child protection team medical directors shall be responsible  
2 for oversight of the teams in the districts.

3 (2) The child abuse, abandonment, and neglect reports  
4 that must be referred by the department ~~of Children and Family~~  
5 ~~Services~~ to child protection teams of the Department of Health  
6 for an assessment and other appropriate available support  
7 services as set forth in subsection (1) must include cases  
8 involving:

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

11 (b) Bruises anywhere on a child 5 years of age or  
12 under.

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

16 (d) Any sexually transmitted disease in a prepubescent  
17 child.

18 (e) Reported malnutrition of a child and failure of a  
19 child to thrive.

20 (f) Reported medical neglect of a child.

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

26 (h) Symptoms of serious emotional problems in a child  
27 when emotional or other abuse, abandonment, or neglect is  
28 suspected.

29 Section 9. Subsections (10) and (16) of section  
30 39.402, Florida Statutes, are amended, and subsections (17)  
31 and (18) are added to that section, to read:

1 39.402 Placement in a shelter.--

2 (10)(a) The shelter hearing order shall contain a  
3 written determination as to whether the department has made a  
4 reasonable effort to prevent or eliminate the need for removal  
5 or continued removal of the child from the home. This  
6 determination must include a description of which specific  
7 services, if available, could prevent or eliminate the need  
8 for removal or continued removal from the home and the date by  
9 which the services are expected to become available.

10 (b) If services are not available to prevent or  
11 eliminate the need for removal or continued removal of the  
12 child from the home, the written determination must also  
13 contain an explanation describing why the services are not  
14 available for the child.

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

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

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

30 (b) Notify all parties in writing of the date, time,  
31 and place of the case plan conference, family team conference,

1 or mediation that will be used to develop the case plan. The  
2 case plan conference, family team conference, or mediation  
3 must take place no later than 30 days after placing the child  
4 in shelter status.

5 (17) At the shelter hearing, the court shall inquire  
6 of the parent whether the parent has relatives who might be  
7 considered as a placement for the child. The parent shall  
8 provide to the court and all parties identification and  
9 location information regarding the relatives.

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

14 Section 10. Present subsections (7) and (8) of section  
15 39.507, Florida Statutes, are redesignated as subsections (8)  
16 and (9), respectively, and a new subsection (7) is added to  
17 that section, to read:

18 39.507 Adjudicatory hearings; orders of  
19 adjudication.--

20 (7) If a court adjudicates a child dependent and the  
21 child is in out-of-home care, the court shall inquire of the  
22 parent or parents whether the parents have relatives who might  
23 be considered as a placement for the child. The court shall  
24 advise the parents that, if the child is not returned to their  
25 custody within 12 months, their parental rights may be  
26 terminated and that the child's out-of-home placement may  
27 become permanent. The parent or parents shall provide to the  
28 court and all parties identification and location information  
29 of the relatives.

30  
31



1           Section 11. Paragraph (c) of subsection (1) and  
2 paragraph (a) of subsection (2) of section 39.5085, Florida  
3 Statutes, are amended to read:

4           39.5085 Relative Caregiver Program.--

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

7           (c) Recognize that permanency in the best interests of  
8 the child can be achieved through a variety of permanency  
9 options, including permanent guardianship under s. 39.6221 if  
10 the guardian is a relative, by a relative ~~long term relative~~  
11 ~~custody~~, guardianship under chapter 744, or adoption, by  
12 providing additional placement options and incentives that  
13 will achieve permanency and stability for many children who  
14 are otherwise at risk of foster care placement because of  
15 abuse, abandonment, or neglect, but who may successfully be  
16 able to be placed by the dependency court in the care of such  
17 relatives.

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

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

30           2. Relatives who are within the fifth degree by blood  
31 or marriage to the parent or stepparent of a child and who are

1 | caring full-time for that dependent child, and a dependent  
2 | half-brother or half-sister of that dependent child, in the  
3 | role of substitute parent as a result of a court's  
4 | determination of child abuse, neglect, or abandonment and  
5 | subsequent placement with the relative under ~~pursuant to~~ this  
6 | chapter.

7 |  
8 | The ~~Such~~ placement may be either court-ordered temporary legal  
9 | custody to the relative under protective supervision of the  
10 | department under ~~pursuant to~~ s. 39.521(1)(b)3., or  
11 | court-ordered placement in the home of a relative as a  
12 | permanency option under s. 39.6221 or s. 39.6231 ~~pursuant to~~  
13 | ~~s. 39.622~~. The Relative Caregiver Program shall offer  
14 | financial assistance to caregivers who are relatives and who  
15 | would be unable to serve in that capacity without the relative  
16 | caregiver payment because of financial burden, thus exposing  
17 | the child to the trauma of placement in a shelter or in foster  
18 | care.

19 |       Section 12. Subsection (1) of section 39.522, Florida  
20 | Statutes, is amended to read:

21 |       39.522 Postdisposition change of custody.--The court  
22 | may change the temporary legal custody or the conditions of  
23 | protective supervision at a postdisposition hearing, without  
24 | the necessity of another adjudicatory hearing.

25 |       (1) A child who has been placed in the child's own  
26 | home under the protective supervision of an authorized agent  
27 | of the department, in the home of a relative, in the home of a  
28 | legal custodian, or in some other place may be brought before  
29 | the court by the department or by any other interested person,  
30 | upon the filing of a petition alleging a need for a change in  
31 | the conditions of protective supervision or the placement. If

1 | the parents or other legal custodians deny the need for a  
2 | change, the court shall hear all parties in person or by  
3 | counsel, or both. Upon the admission of a need for a change or  
4 | after such hearing, the court shall enter an order changing  
5 | the placement, modifying the conditions of protective  
6 | supervision, or continuing the conditions of protective  
7 | supervision as ordered. The standard for changing custody of  
8 | the child shall be the best interest of the child. When  
9 | applying this standard, the court shall consider the  
10 | continuity of the child's placement in the same out-of-home  
11 | residence as a factor when determining the best interests of  
12 | the child. If the child is not placed in foster care, then the  
13 | new placement for the child must meet the home study criteria  
14 | and court approval pursuant to this chapter.

15 |       Section 13. Section 39.6011, Florida Statutes, is  
16 | created to read:

17 |       39.6011 Case plan development.--

18 |       (1) The department shall prepare a draft of the case  
19 | plan for each child receiving services under this chapter. A  
20 | parent of a child may not be threatened or coerced with the  
21 | loss of custody or parental rights for failing to admit in the  
22 | case plan of abusing, neglecting, or abandoning a child.  
23 | Participating in the development of a case plan is not an  
24 | admission to any allegation of abuse, abandonment, or neglect,  
25 | and it is not a consent to a finding of dependency or  
26 | termination of parental rights. The case plan shall be  
27 | developed subject to the following requirements:

28 |       (a) The case plan must be developed in a face-to-face  
29 | conference with the parent of the child, any court-appointed  
30 | guardian ad litem, and, if appropriate, the child and the  
31 | temporary custodian of the child. The conference to prepare a

1 case plan must be scheduled under s. 39.402(16)(b) and must be  
2 conducted according to one of the following procedures:

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

5 2. A mediation if dependency mediation services are  
6 available and appropriate and in the best interests of the  
7 child.

8 3. A family team conference if a family team  
9 conference is available.

10 (b) The parent may receive assistance from any person  
11 or social service agency in preparing the case plan. The  
12 social service agency, the department, and the court, when  
13 applicable, shall inform the parent of the right to receive  
14 such assistance, including the right to assistance of counsel.

15 (c) If a parent is unwilling or unable to participate  
16 in developing a case plan, the department shall document that  
17 unwillingness or inability to participate. The documentation  
18 must be provided in writing to the parent when available for  
19 the court record, and the department shall prepare a case plan  
20 conforming as nearly as possible with the requirements set  
21 forth in this section. The unwillingness or inability of the  
22 parent to participate in developing a case plan does not  
23 preclude the filing of a petition for dependency or for  
24 termination of parental rights. The parent, if available, must  
25 be provided a copy of the case plan and be advised that he or  
26 she may, at any time before the filing of a petition for  
27 termination of parental rights, enter into a case plan and  
28 that he or she may request judicial review of any provision of  
29 the case plan with which he or she disagrees at any court  
30 hearing set for the child.

31

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

5           (a) A description of the identified problem being  
6 addressed, including the parent's behavior or acts resulting  
7 in risk to the child and the reason for the intervention by  
8 the department.

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

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

14          (d) The date the compliance period expires. The case  
15 plan must be limited to as short a period as possible for  
16 accomplishing its provisions. The plan's compliance period  
17 expires no later than 12 months after the date the child was  
18 initially removed from the home or the date the case plan was  
19 accepted by the court, whichever occurs sooner.

20          (e) A written notice to the parent that failure of the  
21 parent to substantially comply with the case plan may result  
22 in the termination of parental rights, and that a material  
23 breach of the case plan may result in the filing of a petition  
24 for termination of parental rights sooner than the compliance  
25 period set forth in the case plan under s. 39.806(2).

26          (3) The case plan must be signed by all parties,  
27 except that the signature of a child may be waived if the  
28 child is not of an age or capacity to participate in the  
29 case-planning process. Signing the case plan constitutes an  
30 acknowledgement that the case plan has been developed by the  
31 parties and that they are in agreement as to the terms and

1 conditions contained in the case plan. The refusal of a parent  
2 to sign the case plan does not prevent the court from  
3 accepting the case plan if the case plan is otherwise  
4 acceptable to the court. Signing the case plan does not  
5 constitute an admission to any allegation of abuse,  
6 abandonment, or neglect and does not constitute consent to a  
7 finding of dependency or termination of parental rights.  
8 Before signing the case plan, the department shall explain the  
9 provisions of the plan to all persons involved in its  
10 implementation, including, when appropriate, the child.  
11 (4) The case plan must describe:  
12 (a) The role of the foster parents or legal custodians  
13 when developing the services that are to be provided to the  
14 child, foster parents, or legal custodians;  
15 (b) The minimum number of face-to-face meetings to be  
16 held each month between the parents and the department's  
17 family services counselors to review the progress of the plan,  
18 to eliminate barriers to progress, and to resolve conflicts or  
19 disagreements; and  
20 (c) The parent's responsibility for financial support  
21 of the child, including, but not limited to, health insurance  
22 and child support. The case plan must list the costs  
23 associated with any services or treatment that the parent and  
24 child are expected to receive which are the financial  
25 responsibility of the parent. The determination of child  
26 support and other financial support shall be made  
27 independently of any determination of indigency under s.  
28 39.013.  
29 (5) When the permanency goal for a child is adoption,  
30 the case plan must include documentation of the steps the  
31 agency is taking to find an adoptive family or other permanent

1 living arrangement for the child. At a minimum, the  
2 documentation shall include recruitment efforts that are  
3 specific to the child, such as the use of state, regional, and  
4 national adoption exchanges, including electronic exchange  
5 systems.

6 (6) After the case plan has been developed, the  
7 department shall adhere to the following procedural  
8 requirements:

9 (a) If the parent's substantial compliance with the  
10 case plan requires the department to provide services to the  
11 parents or the child and the parents agree to begin compliance  
12 with the case plan before the case plan's acceptance by the  
13 court, the department shall make the appropriate referrals for  
14 services that will allow the parents to begin the agreed-upon  
15 tasks and services immediately.

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

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

24 2. In each case in which a child has been placed in  
25 out-of-home care, a case plan must be prepared within 60 days  
26 after the department removes the child from the home and shall  
27 be submitted to the court before the disposition hearing for  
28 the court to review and approve.

29 3. After jurisdiction attaches, all case plans must be  
30 filed with the court and a copy provided to all the parties  
31 whose whereabouts are known not less than 3 business days

1 before the disposition hearing. The department shall file with  
2 the court, and provide copies to the parties, all case plans  
3 prepared before jurisdiction of the court attached.

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

8 Section 14. Section 39.6012, Florida Statutes, is  
9 created to read:

10 39.6012 Case plan tasks; services.--

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

13 (a) The services described in the case plan must be  
14 designed to improve the conditions in the home and aid in  
15 maintaining the child in the home, facilitate the child's safe  
16 return to the home, ensure proper care of the child, or  
17 facilitate the child's permanent placement. The services  
18 offered must be the least intrusive possible into the life of  
19 the parent and child, must focus on clearly defined  
20 objectives, and must provide the most efficient path to quick  
21 reunification or permanent placement given the circumstances  
22 of the case and the child's need for safe and proper care.

23 (b) The case plan must describe each of the tasks with  
24 which the parent must comply and the services to be provided  
25 to the parent, specifically addressing the identified problem,  
26 including:

27 1. The type of services or treatment.

28 2. The date the department will provide each service  
29 or referral for the service if the service is being provided  
30 by the department or its agent.

31



- 1           3. The date by which the parent must complete each  
2 task.
- 3           4. The frequency of services or treatment provided.  
4 The frequency of the delivery of services or treatment  
5 provided shall be determined by the professionals providing  
6 the services or treatment on a case-by-case basis and adjusted  
7 according to their best professional judgment.
- 8           5. The location of the delivery of the services.
- 9           6. The staff of the department or service provider  
10 accountable for the services or treatment.
- 11           7. A description of the measurable objectives,  
12 including the timeframes specified for achieving the  
13 objectives of the case plan and addressing the identified  
14 problem.
- 15           (2) The case plan must describe the services provided  
16 to the child, including:
- 17           (a) A description of the identified needs of the child  
18 while in care.
- 19           (b) A description of the plan for ensuring that the  
20 child receives safe and proper care and that services are  
21 provided to the child in order to address the child's needs.  
22 To the extent available and accessible, the following health,  
23 mental health, and education information and records of the  
24 child must be attached to the case plan and updated throughout  
25 the judicial-review process:
- 26           1. The names and addresses of the child's health,  
27 mental health, and educational providers;
- 28           2. The child's grade-level performance;
- 29           3. The child's school record;
- 30
- 31

1           4. Assurances that the child's placement takes into  
2 account proximity to the school in which the child is enrolled  
3 at the time of placement;

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

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

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

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

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

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

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

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

21           (d) A discussion of the safety and the appropriateness  
22 of the child's placement, which placement is intended to be  
23 safe, and the least restrictive and the most family-like  
24 setting available consistent with the best interest and  
25 special needs of the child and in as close proximity as  
26 possible to the child's home.

27           Section 15. Section 39.6013, Florida Statutes, is  
28 created to read:

29           39.6013 Case plan amendments.--

30           (1) After the case plan has been developed under s.  
31 39.6011, the tasks and services agreed upon in the plan may

1 not be changed or altered in any way except as provided in  
2 this section.

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

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

13 (4) The case plan may be amended by the court or upon  
14 motion of any party at any hearing to change the goal of the  
15 plan, employ the use of concurrent planning, or add or remove  
16 tasks the parent must complete in order to substantially  
17 comply with the plan if there is a preponderance of evidence  
18 demonstrating the need for the amendment. The need to amend  
19 the case plan may be based on information discovered or  
20 circumstances arising after the approval of the case plan for:

21 (a) A previously unaddressed condition that, without  
22 services, may prevent the child from safely returning to the  
23 home or may prevent the child from safely remaining in the  
24 home;

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

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

30 (d) An error or oversight in the case plan.  
31

1       (5) The case plan may be amended by the court or upon  
2 motion of any party at any hearing to provide appropriate  
3 services to the child if there is competent evidence  
4 demonstrating the need for the amendment. The reason for  
5 amending the case plan may be based on information discovered  
6 or circumstances arising after the approval of the case plan  
7 regarding the provision of safe and proper care to the child.

8       (6) The case plan is deemed amended as to the child's  
9 health, mental health, and education records required by s.  
10 39.6012 when the child's updated health and education records  
11 are filed by the department under s. 39.701(7)(a).

12       (7) Amendments must include service interventions that  
13 are the least intrusive into the life of the parent and child,  
14 must focus on clearly defined objectives, and must provide the  
15 most efficient path to quick reunification or permanent  
16 placement given the circumstances of the case and the child's  
17 need for safe and proper care. A copy of the amended plan must  
18 be immediately given to the persons identified in s.  
19 39.601(1).

20       Section 16. Subsections (1) and (2) of section 39.603,  
21 Florida Statutes, are amended to read:

22       39.603 Court approvals of case planning.--

23       (1) All case plans and amendments to case plans must  
24 be approved by the court. At the hearing on the case plan,  
25 which shall occur in conjunction with the disposition hearing  
26 unless otherwise directed by the court, the court shall  
27 determine:

28       (a) All parties who were notified and are in  
29 attendance at the hearing, either in person or through a legal  
30 representative. The court may appoint a guardian ad litem  
31 under Rule 1.210, Florida Rules of Civil Procedure, to

1 represent the interests of any parent, if the location of the  
2 parent is known but the parent is not present at the hearing  
3 and the development of the plan is based upon the physical,  
4 emotional, or mental condition or physical location of the  
5 parent.

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

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

10 (d) In involuntary placements, whether each parent was  
11 notified of the right to counsel at each stage of the  
12 dependency proceedings, in accordance with the Florida Rules  
13 of Juvenile Procedure.

14 (e) Whether each parent whose location was known was  
15 notified of the right to participate in the preparation of a  
16 case plan and of the right to receive assistance from any  
17 other person in the preparation of the case plan.

18 (f) Whether the plan is meaningful and designed to  
19 address facts and circumstances upon which the court based the  
20 finding of dependency in involuntary placements or the plan is  
21 meaningful and designed to address facts and circumstances  
22 upon which the child was placed in out-of-home care  
23 voluntarily.

24 (2) When the court determines that any of the elements  
25 considered at the hearing related to the plan have not been  
26 met, the court shall require the parties to make necessary  
27 amendments to the plan under s. 39.6013. The amended plan must  
28 be submitted to the court for review and approval within 30  
29 days after the hearing. A copy of the amended plan must also  
30 be provided to each party, if the location of the party is  
31

1 known, at least 3 business days ~~72 hours~~ before ~~prior to~~  
2 filing with the court.

3 Section 17. Section 39.621, Florida Statutes, is  
4 amended to read:

5 39.621 Permanency determination by the court.--

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

20 (2) The permanency goals available under this chapter  
21 are:

22 (a) Reunification;

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

25 (c) Permanent guardianship of a dependent child under  
26 s. 39.6221;

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

29 (e) Placement in another planned permanent living  
30 arrangement under s. 39.6241.

31

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

8           (b) Before the permanency hearing, the department  
9 shall advise the child and the individuals with whom the child  
10 will be placed about the availability of more permanent and  
11 legally secure placements and what type of financial  
12 assistance is associated with each placement.

13           (4) At the permanency hearing, the court shall  
14 determine:

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

17           (b) When the child will achieve one of the permanency  
18 goals; and

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

21           (5) The best interest of the child is the primary  
22 consideration in determining the permanency goal for the  
23 child. The court must also consider:

24           (a) The reasonable preference of the child if the  
25 court has found the child to be of sufficient intelligence,  
26 understanding, and experience to express a preference; and

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

28           (6)(2) If a child will not be reunited with a parent,  
29 adoption, ~~under pursuant to~~ chapter 63, is the primary  
30 permanency option ~~available to the court.~~ If the child is  
31 placed with a relative or with a relative of the child's

1 half-brother or half-sister as a permanency option, the court  
2 ~~may shall~~ recognize the permanency of this placement without  
3 requiring the relative to adopt the child.

4  
5 If the court approves a permanency goal of permanent  
6 guardianship of a dependent child, placement with a fit and  
7 willing relative, or another planned permanent living  
8 arrangement, the court shall make findings as to why this  
9 permanent placement is established without adoption of the  
10 child to follow. If the court approves a permanency goal of  
11 another planned permanent living arrangement, the court shall  
12 document the compelling reasons for choosing this goal.

13 (7) The findings of the court regarding reasonable  
14 efforts to finalize the permanency plan must be explicitly  
15 documented, made on a case-by-case basis, and stated in the  
16 court order.

17 (8) The case plan must list the tasks necessary to  
18 finalize the permanency placement and shall be updated at the  
19 permanency hearing if necessary. If a concurrent case plan is  
20 in place, the court may choose between the permanency goal  
21 options presented and shall approve the goal that is in the  
22 child's best interest.

23 (9) The permanency placement is intended to continue  
24 until the child reaches the age of majority and may not be  
25 disturbed absent a finding by the court that the circumstances  
26 of the permanency placement are no longer in the best interest  
27 of the child. If a parent who has not had his or her parental  
28 rights terminated makes a motion for reunification or  
29 increased contact with the child, the court shall hold a  
30 hearing to determine whether the dependency case should be  
31 reopened and whether there should be a modification of the



1 order. At the hearing, the parent must demonstrate that the  
2 safety, well-being, and physical, mental, and emotional health  
3 of the child is not endangered by the modification.

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

10 (a) The compliance or noncompliance of the parent with  
11 the case plan;

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

14 (c) The stability and longevity of the child's  
15 placement;

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

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

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

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

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

26 ~~(b) Long term custody.~~

27 ~~(c) Long term licensed custody.~~

28 ~~(d) Independent living.~~

29  
30 ~~The permanency placement is intended to continue until the~~  
31 ~~child reaches the age of majority and shall not be disturbed~~

1 ~~absent a finding by the court that the circumstances of the~~  
2 ~~permanency placement are no longer in the best interest of the~~  
3 ~~child.~~

4 Section 18. Section 39.6221, Florida Statutes, is  
5 created to read:

6 39.6221 Permanent guardianship of a dependent child.--

7 (1) If a court determines that reunification or  
8 adoption is not in the best interest of the child, the court  
9 may place the child in a permanent guardianship with a  
10 relative or other adult approved by the court if all of the  
11 following conditions are met:

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

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

16 (c) The court determines that the child and the  
17 relative or other adult are not likely to need supervision or  
18 services of the department to ensure the stability of the  
19 permanent guardianship.

20 (d) The permanent guardian has made a commitment to  
21 provide for the child until the child reaches the age of  
22 majority and to prepare the child for adulthood and  
23 independence.

24 (e) The permanent guardian agrees to give notice of  
25 any change in his or her residential address or the residence  
26 of the child by filing a written document in the dependency  
27 file of the child with the clerk of the court.

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

30 (a) List the circumstances or reasons why the child's  
31 parents are not fit to care for the child and why

1 reunification is not possible by referring to specific  
2 findings of fact made in its order adjudicating the child  
3 dependent or by making separate findings of fact;

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

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

8 (d) Specify the frequency and nature of visitation or  
9 contact between the child and his or her grandparents, under  
10 s. 39.509;

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

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

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

19 1. The right to physical and legal custody of the  
20 child;

21 2. The right and duty to protect, nurture, guide, and  
22 discipline the child;

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

25 4. The right and duty to provide the child with  
26 ordinary medical, dental, psychiatric, and psychological care,  
27 unless these rights and duties are otherwise enlarged or  
28 limited by court order.

29 (3) The court shall give the permanent guardian a  
30 separate order establishing the authority of the permanent  
31 guardian to care for the child, reciting what powers and

1 duties listed in paragraph (2)(g) belong to the permanent  
2 guardian and providing any other information the court deems  
3 proper which can be provided to persons who are not parties to  
4 the proceeding as necessary, notwithstanding the  
5 confidentiality provisions of s. 39.202.

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

9 (5) The court shall retain jurisdiction over the case  
10 and the child shall remain in the custody of the permanent  
11 guardian unless the order creating the permanent guardianship  
12 is modified by the court. The court shall discontinue regular  
13 review hearings and relieve the department of the  
14 responsibility for supervising the placement of the child. Not  
15 withstanding the retention of jurisdiction, the placement  
16 shall be considered permanency for the child.

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

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

21 (b) The parents' right to consent to the child's  
22 adoption; and

23 (c) The parents' responsibility to provide financial,  
24 medical, and other support for the child as ordered by the  
25 court.

26 Section 19. Section 39.6231, Florida Statutes, is  
27 created to read:

28 39.6231 Permanent placement with a fit and willing  
29 relative.--

30 (1) If a court finds that reunification or adoption  
31 are not in the best interests of a child, the court may place

1 the child with a fit and willing relative as a permanency  
2 option if:  
3       (a) The child has been in the placement for at least  
4 the preceding 6 months;  
5       (b) The relative has made a commitment to provide for  
6 the child until the child reaches the age of majority and to  
7 prepare the child for adulthood and independence;  
8       (c) The relative is suitable and able to provide a  
9 safe and permanent home for the child; and  
10       (d) The relative agrees to give notice of any change  
11 in his or her residence or the residence of the child by  
12 filing a written document with the clerk of court.  
13       (2) The department and the guardian ad litem shall  
14 provide the court with a recommended list and description of  
15 services needed by the child and the family in order to ensure  
16 the permanency of the placement.  
17       (3) In its written order placing the child with a fit  
18 and willing relative, the court shall:  
19       (a) List the circumstances or reasons why  
20 reunification is not possible by referring to specific  
21 findings of fact made in its order adjudicating the child  
22 dependent or by making separate findings of fact;  
23       (b) State the reasons why permanent placement with a  
24 fit and willing relative is being established instead of  
25 adoption;  
26       (c) Specify the frequency and nature of visitation or  
27 contact between the child and his or her parents;  
28       (d) Specify the frequency and nature of visitation or  
29 contact between the child and his or her grandparents, under  
30 s. 39.509;  
31

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

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

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

12           (5) The department shall continue to supervise the  
13 placement with the relative until further court order. The  
14 court shall continue to review the placement at least once  
15 every 6 months.

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

20           (7) The court shall continue to conduct permanency  
21 hearings in order to reevaluate the possibility of adoption or  
22 permanent guardianship of the child.

23           Section 20. Section 39.6241, Florida Statutes, is  
24 created to read:

25           39.6241 Another planned permanent living  
26 arrangement.--

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

30           (a) The court finds a more permanent placement, such  
31 as adoption, permanent guardianship, or placement with a fit

1 and willing relative, is not in the best interests of the  
2 child;

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

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

9 (d) There are compelling reasons to show that another  
10 placement is the most appropriate permanency goal. Compelling  
11 reasons for another placement may include, but are not limited  
12 to:

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

19 2. The case of a child for whom an Indian tribe has  
20 identified another planned permanent living arrangement for  
21 the child; or

22 3. The case of a foster child who is 16 years of age  
23 or older who chooses to remain in foster care and the child's  
24 foster parents are willing to care for the child until the  
25 child reaches 18 years of age.

26 (2) The department and the guardian ad litem must  
27 provide the court with a recommended list and description of  
28 services needed by the child, such as independent living  
29 services and medical, dental, educational, or psychological  
30 referrals, and a recommended list and description of services  
31 needed by his or her caregiver.

1           Section 21. Paragraph (a) of subsection (7), paragraph  
2 (g) of subsection (8), and subsection (9) of section 39.701,  
3 Florida Statutes, are amended, and paragraph (k) is added to  
4 subsection (8) of that section, to read:

5           39.701 Judicial review.--

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

12           1. A description of the type of placement the child is  
13 in at the time of the hearing, including the safety of the  
14 child and the continuing necessity for and appropriateness of  
15 the placement.

16           2. Documentation of the diligent efforts made by all  
17 parties to the case plan to comply with each applicable  
18 provision of the plan.

19           3. The amount of fees assessed and collected during  
20 the period of time being reported.

21           4. The services provided to the foster family or legal  
22 custodian in an effort to address the needs of the child as  
23 indicated in the case plan.

24           5. A statement that either:

25           a. The parent, though able to do so, did not comply  
26 substantially with the ~~provisions of the~~ case plan, and the  
27 agency recommendations;

28           b. The parent did substantially comply with the  
29 ~~provisions of the~~ case plan; or  
30  
31



1           c. The parent has partially complied with the  
2 ~~provisions of the~~ case plan, with a summary of additional  
3 progress needed and the agency recommendations.

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

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

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

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

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

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

28           12. Copies of the child's current health, mental  
29 health, and education records as identified in s. 39.6012.

30           (8) The court and any citizen review panel shall take  
31 into consideration the information contained in the social

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

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

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

25 (9)(a) Based upon the criteria set forth in subsection  
26 (8) and the recommended order of the citizen review panel, if  
27 any, the court shall determine whether or not the social  
28 service agency shall initiate proceedings to have a child  
29 declared a dependent child, return the child to the parent,  
30 continue the child in out-of-home care for a specified period  
31 of time, or initiate termination of parental rights

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

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

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

26 ~~(d) The court may extend the time limitation of the~~  
27 ~~case plan, or may modify the terms of the plan, based upon~~  
28 ~~information provided by the social service agency, and the~~  
29 ~~guardian ad litem, if one has been appointed, the parent or~~  
30 ~~parents, and the foster parents or legal custodian, and any~~  
31 ~~other competent information on record demonstrating the need~~

1 ~~for the amendment. If the court extends the time limitation of~~  
2 ~~the case plan, the court must make specific findings~~  
3 ~~concerning the frequency of past parent child visitation, if~~  
4 ~~any, and the court may authorize the expansion or restriction~~  
5 ~~of future visitation. Modifications to the plan must be~~  
6 ~~handled as prescribed in s. 39.601. Any extension of a case~~  
7 ~~plan must comply with the time requirements and other~~  
8 ~~requirements specified by this chapter.~~

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

17       ~~(e)(f)~~ No later than 6 ~~12~~ months after the date that  
18 the child was placed in shelter care, the court shall conduct  
19 a judicial review hearing to review ~~plan for~~ the child's  
20 permanency goal as identified in the case plan. At the hearing  
21 the court shall make findings regarding the likelihood of the  
22 child's reunification with the parent or legal custodian  
23 within 12 months after the removal of the child from the home.  
24 If, at this hearing, the court makes a written finding that it  
25 is not likely that the child will be reunified with the parent  
26 or legal custodian within 12 months after the child was  
27 removed from the home, the department must file with the  
28 court, and serve on all parties, a motion to amend the case  
29 plan under s. 39.6013 and declare that it will use concurrent  
30 planning for the case plan. The department must file the  
31 motion no later than 10 business days after receiving the

1 written finding of the court. The department must attach the  
2 proposed amended case plan to the motion. If concurrent  
3 planning is already being used, the case plan must document  
4 the efforts the department is taking to complete the  
5 concurrent goal. At this hearing, if the child is not returned  
6 to the physical custody of the parents, the case plan may be  
7 extended with the same goals only if the court finds that the  
8 situation of the child is so extraordinary that the plan  
9 should be extended. The case plan must document steps the  
10 department is taking to find an adoptive parent or other  
11 permanent living arrangement for the child.

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

22 Section 22. Section 39.703, Florida Statutes, is  
23 amended to read:

24 39.703 Initiation of termination of parental rights  
25 proceedings; judicial review.--

26 (1) If, in preparation for a ~~any~~ judicial review  
27 hearing under this chapter, it is the opinion of the social  
28 service agency that the parents of the child have not complied  
29 with their responsibilities as specified in the written case  
30 plan although able to do so, the department shall state its  
31 intent to initiate proceedings to terminate parental rights,

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

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

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

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

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

16 (b) The department has documented in the report to the  
17 court a compelling reason for determining that filing such a  
18 petition would not be in the best interests of the child.  
19 Compelling reasons for not filing or joining a petition to  
20 terminate parental rights may include, but are not limited to:

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

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

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

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

30 5. The department has not provided to the family,  
31 consistent with the time period in the case plan, services

1 that the department deems necessary for the safe return of the  
2 child to the home.

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

7 Section 23. Subsections (1) and (2) of section 39.806,  
8 Florida Statutes, are amended to read:

9 39.806 Grounds for termination of parental rights.--

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

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

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

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

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

30 (c) When the parent or parents engaged in conduct  
31 toward the child or toward other children that demonstrates



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

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

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

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

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

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

5           Section 24. Subsection (1) of section 39.810, Florida  
6 Statutes, is amended to read:

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

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

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

28           39.811 Powers of disposition; order of disposition.--

29           (4) If the child is neither in the custody of the  
30 department nor in the custody of a parent and the court finds  
31 that the grounds for termination of parental rights have been

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

28 Section 26. Paragraph (b) of subsection (3) of section  
29 39.0015, Florida Statutes, is amended to read:

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

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

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

5 Section 27. Subsection (5) of section 39.205, Florida  
6 Statutes, is amended to read:

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

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

27 Section 28. Subsection (1) of section 39.302, Florida  
28 Statutes, is amended to read:

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

31

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

1 prosecution is warranted and appropriate. Within 15 days after  
2 the completion of the investigation, the state attorney shall  
3 report the findings to the department and shall include in the  
4 ~~such~~ report a determination of whether or not prosecution is  
5 justified and appropriate in view of the circumstances of the  
6 specific case.

7 Section 29. For the purpose of incorporating the  
8 amendments made by this act to section 39.806, Florida  
9 Statutes, in a reference thereto, subsection (5) of section  
10 39.802, Florida Statutes, is reenacted to read:

11 39.802 Petition for termination of parental rights;  
12 filing; elements.--

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

21 Section 30. Subsection (1) of section 39.828, Florida  
22 Statutes, is amended to read:

23 39.828 Grounds for appointment of a guardian  
24 advocate.--

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

29 (a) The child named in the petition is or was a drug  
30 dependent newborn as described in s. 39.01(32)(g) ~~s.~~  
31 ~~39.01(30)(g)~~;



1           (b) The parent or parents of the child have  
2 voluntarily relinquished temporary custody of the child to a  
3 relative or other responsible adult;

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

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

9           Section 31. Subsection (3) of section 63.092, Florida  
10 Statutes, is amended to read:

11           63.092 Report to the court of intended placement by an  
12 adoption entity; at-risk placement; preliminary study.--

13           (3) PRELIMINARY HOME STUDY.--Before placing the minor  
14 in the intended adoptive home, a preliminary home study must  
15 be performed by a licensed child-placing agency, a  
16 child-caring agency registered under s. 409.176, a licensed  
17 professional, or agency described in s. 61.20(2), unless the  
18 adoptee is an adult or the petitioner is a stepparent or a  
19 relative. If the adoptee is an adult or the petitioner is a  
20 stepparent or a relative, a preliminary home study may be  
21 required by the court for good cause shown. The department is  
22 required to perform the preliminary home study only if there  
23 is no licensed child-placing agency, child-caring agency  
24 registered under s. 409.176, licensed professional, or agency  
25 described in s. 61.20(2), in the county where the prospective  
26 adoptive parents reside. The preliminary home study must be  
27 made to determine the suitability of the intended adoptive  
28 parents and may be completed prior to identification of a  
29 prospective adoptive minor. A favorable preliminary home study  
30 is valid for 1 year after the date of its completion. Upon its  
31 completion, a copy of the home study must be provided to the

1 | intended adoptive parents who were the subject of the home  
2 | study. A minor may not be placed in an intended adoptive home  
3 | before a favorable preliminary home study is completed unless  
4 | the adoptive home is also a licensed foster home under s.  
5 | 409.175. The preliminary home study must include, at a  
6 | minimum:

7 |       (a) An interview with the intended adoptive parents;

8 |       (b) Records checks of the department's central abuse  
9 | registry and criminal records correspondence checks under s.

10 | 39.0138 ~~pursuant to s. 435.045~~ through the Department of Law  
11 | Enforcement on the intended adoptive parents;

12 |       (c) An assessment of the physical environment of the  
13 | home;

14 |       (d) A determination of the financial security of the  
15 | intended adoptive parents;

16 |       (e) Documentation of counseling and education of the  
17 | intended adoptive parents on adoptive parenting;

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

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

24 |       (h) A copy of each signed acknowledgment of receipt of  
25 | disclosure required by s. 63.085.

26 |  
27 | If the preliminary home study is favorable, a minor may be  
28 | placed in the home pending entry of the judgment of adoption.  
29 | A minor may not be placed in the home if the preliminary home  
30 | study is unfavorable. If the preliminary home study is  
31 | unfavorable, the adoption entity may, within 20 days after

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

11 Section 32. Paragraph (d) of subsection (1) of section  
12 419.001, Florida Statutes, is amended to read:

13 419.001 Site selection of community residential  
14 homes.--

15 (1) For the purposes of this section, the following  
16 definitions shall apply:

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

25 Section 33. Sections 39.601, 39.622, 39.623, 39.624,  
26 and 435.045, Florida Statutes, are repealed.

27 Section 34. This act shall take effect July 1, 2006.  
28  
29  
30  
31

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 1080  
4 Requires the parent or legal custodian of any child who is the  
5 subject of an investigation of abuse, neglect, or abandonment  
6 to inform the investigator of any change in the location or  
7 residence of the child.  
8 Clarifies the authority of the child protection team to  
9 investigate reports of sexual abuse.  
10 Authorizes judicial rather than administrative reviews of  
11 decisions by the Department of Children and Families (DCF) to  
12 deny an exemption from disqualification on the basis of a  
13 criminal conviction for the placement of a child.  
14 Clarifies the authority of DCF to accept hotline calls  
15 reporting that a child is in need of supervision and care and  
16 has no parent, legal custodian, or responsible adult relative  
17 immediately known and available to provide supervision and  
18 care.  
19 Clarifies the factors for a court to consider in deciding  
20 whether to return a child to a parent after another permanency  
21 option has been exercised.  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31