



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

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

1 the court to consider a permanent guardian as a  
2 long-term option for a dependent child;  
3 requiring a written order; providing for the  
4 contents of the permanent guardianship order;  
5 creating s. 39.6231, F.S.; providing for  
6 placement with a fit and willing relative;  
7 requiring the court to specify the reasons to  
8 place a child with a relative; providing for  
9 the department to supervise the placement for a  
10 specified time period; creating s. 39.6241,  
11 F.S.; authorizing the court to place a child in  
12 another planned permanent living arrangement  
13 under certain circumstances; amending s.  
14 39.701, F.S.; requiring that a child's current  
15 health and education records be included in the  
16 documentation for the judicial review report;  
17 requiring the court to conduct a judicial  
18 review 6 months after the child was placed in  
19 shelter care; amending s. 39.703, F.S.;  
20 providing when the department may file a  
21 petition for termination of parental rights;  
22 providing that the department may choose not to  
23 file a petition under certain specified  
24 circumstances; amending s. 39.806, F.S.;  
25 authorizing a material breach of the case plan  
26 as a ground to terminate parental rights;  
27 requiring that the department show, and the  
28 court find, the material breach by clear and  
29 convincing evidence; amending s. 39.810, F.S.;  
30 providing certain factors for the court to  
31 consider for the best interest of the child;

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

17

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

19

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

22 39.01 Definitions.--When used in this chapter, unless  
23 the context otherwise requires:

24 (1) "Abandoned" means a situation in which the parent  
25 or legal custodian of a child or, in the absence of a parent  
26 or legal custodian, the caregiver responsible for the child's  
27 welfare, while being able, makes no provision for the child's  
28 support and makes no effort to communicate with the child,  
29 which situation is sufficient to evince a willful rejection of  
30 parental obligations. If the efforts of the ~~such~~ parent or  
31 legal custodian, or caregiver primarily responsible for the

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

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

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

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

25 (5) "Adult" means any natural person other than a  
26 child.

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

1 of a child born to the ~~such~~ adoptive parents in lawful  
2 wedlock.

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

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

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

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

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

19 3. "Consent" means an agreement, including all of the  
20 following:

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

23 b. Knowledge of societal standards for what is being  
24 proposed.

25 c. Awareness of potential consequences and  
26 alternatives.

27 d. Assumption that agreement or disagreement will be  
28 accepted equally.

29 e. Voluntary decision.

30 f. Mental competence.

31

1 Juvenile sexual offender behavior ranges from noncontact  
2 sexual behavior such as making obscene phone calls,  
3 exhibitionism, voyeurism, and the showing or taking of lewd  
4 photographs to varying degrees of direct sexual contact, such  
5 as frottage, fondling, digital penetration, rape, fellatio,  
6 sodomy, and various other sexually aggressive acts.

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

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

18 (10) "Caregiver" means the parent, legal custodian,  
19 permanent guardian, adult household member, or other person  
20 responsible for a child's welfare as defined in subsection  
21 ~~(46)-(47)~~.

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

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

31



1           (13) "Child protection team" means a team of  
2 professionals established by the Department of Health to  
3 receive referrals from the protective investigators and  
4 protective supervision staff of the department and to provide  
5 specialized and supportive services to the program in  
6 processing child abuse, abandonment, or neglect cases. A child  
7 protection team shall provide consultation to other programs  
8 of the department and other persons regarding child abuse,  
9 abandonment, or neglect cases.

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

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

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

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

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

28           (e) To have no parent or legal custodians capable of  
29 providing supervision and care; or  
30  
31

1 (f) To be at substantial risk of imminent abuse,  
2 abandonment, or neglect by the parent or parents or legal  
3 custodians.

4 (15) "Child support" means a court-ordered obligation,  
5 enforced under chapter 61 and ss. 409.2551-409.2597, for  
6 monetary support for the care, maintenance, training, and  
7 education of a child.

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

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

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

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

27 (b) Permanent guardianship of a dependent child under  
28 s. 39.6221;

29 (c) Permanent placement with a fit and willing  
30 relative under s. 39.6231; or  
31

1           (d) Placement in another planned permanent living  
2 arrangement under s. 39.6241.

3           ~~(19)(18)~~ "Court," unless otherwise expressly stated,  
4 means the circuit court assigned to exercise jurisdiction  
5 under this chapter.

6           ~~(20)(19)~~ "Department" means the Department of Children  
7 and Family Services.

8           ~~(21)(20)~~ "Diligent efforts by a parent" means a course  
9 of conduct which results in a reduction in risk to the child  
10 in the child's home that would allow the child to be safely  
11 placed permanently back in the home as set forth in the case  
12 plan.

13           ~~(22)(21)~~ "Diligent efforts of social service agency"  
14 means reasonable efforts to provide social services or  
15 reunification services made by any social service agency that  
16 is a party to a case plan.

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

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

27           ~~(25)(24)~~ "District" means any one of the 15 service  
28 districts of the department established pursuant to s. 20.19.

29           ~~(26)(25)~~ "District administrator" means the chief  
30 operating officer of each service district of the department  
31 as defined in s. 20.19(5) and, where appropriate, includes any

1 district administrator whose service district falls within the  
2 boundaries of a judicial circuit.

3 ~~(27)(26)~~ "Expedited termination of parental rights"  
4 means proceedings wherein a case plan with the goal of  
5 reunification is not being offered.

6 ~~(28)(27)~~ "False report" means a report of abuse,  
7 neglect, or abandonment of a child to the central abuse  
8 hotline, which report is maliciously made for the purpose of:

- 9 (a) Harassing, embarrassing, or harming another  
10 person;  
11 (b) Personal financial gain for the reporting person;  
12 (c) Acquiring custody of a child; or  
13 (d) Personal benefit for the reporting person in any  
14 other private dispute involving a child.

15  
16 The term "false report" does not include a report of abuse,  
17 neglect, or abandonment of a child made in good faith to the  
18 central abuse hotline.

19 ~~(29)(28)~~ "Family" means a collective body of persons,  
20 consisting of a child and a parent, legal custodian, or adult  
21 relative, in which:

- 22 (a) The persons reside in the same house or living  
23 unit; or  
24 (b) The parent, legal custodian, or adult relative has  
25 a legal responsibility by blood, marriage, or court order to  
26 support or care for the child.

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

31

1           ~~(31)~~(29) "Foster care" means care provided a child in  
2 a foster family or boarding home, group home, agency boarding  
3 home, child care institution, or any combination thereof.

4           ~~(32)~~(30) "Harm" to a child's health or welfare can  
5 occur when any person:

6           (a) Inflicts or allows to be inflicted upon the child  
7 physical, mental, or emotional injury. In determining whether  
8 harm has occurred, the following factors must be considered in  
9 evaluating any physical, mental, or emotional injury to a  
10 child: the age of the child; any prior history of injuries to  
11 the child; the location of the injury on the body of the  
12 child; the multiplicity of the injury; and the type of trauma  
13 inflicted. Such injury includes, but is not limited to:

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

28  
29 As used in this subparagraph, the term "willful" refers to the  
30 intent to perform an action, not to the intent to achieve a  
31 result or to cause an injury.

1           2. Purposely giving a child poison, alcohol, drugs, or  
2 other substances that substantially affect the child's  
3 behavior, motor coordination, or judgment or that result in  
4 sickness or internal injury. For the purposes of this  
5 subparagraph, the term "drugs" means prescription drugs not  
6 prescribed for the child or not administered as prescribed,  
7 and controlled substances as outlined in Schedule I or  
8 Schedule II of s. 893.03.

9           3. Leaving a child without adult supervision or  
10 arrangement appropriate for the child's age or mental or  
11 physical condition, so that the child is unable to care for  
12 the child's own needs or another's basic needs or is unable to  
13 exercise good judgment in responding to any kind of physical  
14 or emotional crisis.

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

- 25           a. Sprains, dislocations, or cartilage damage.
- 26           b. Bone or skull fractures.
- 27           c. Brain or spinal cord damage.
- 28           d. Intracranial hemorrhage or injury to other internal  
29 organs.
- 30           e. Asphyxiation, suffocation, or drowning.
- 31           f. Injury resulting from the use of a deadly weapon.

- 1           g. Burns or scalding.
- 2           h. Cuts, lacerations, punctures, or bites.
- 3           i. Permanent or temporary disfigurement.
- 4           j. Permanent or temporary loss or impairment of a body  
5 part or function.
- 6           k. Significant bruises or welts.
- 7           (b) Commits, or allows to be committed, sexual  
8 battery, as defined in chapter 794, or lewd or lascivious  
9 acts, as defined in chapter 800, against the child.
- 10          (c) Allows, encourages, or forces the sexual  
11 exploitation of a child, which includes allowing, encouraging,  
12 or forcing a child to:
- 13           1. Solicit for or engage in prostitution; or  
14           2. Engage in a sexual performance, as defined by  
15 chapter 827.
- 16          (d) Exploits a child, or allows a child to be  
17 exploited, as provided in s. 450.151.
- 18          (e) Abandons the child. Within the context of the  
19 definition of "harm," the term "abandons the child" means that  
20 the parent or legal custodian of a child or, in the absence of  
21 a parent or legal custodian, the person responsible for the  
22 child's welfare, while being able, makes no provision for the  
23 child's support and makes no effort to communicate with the  
24 child, which situation is sufficient to evince a willful  
25 rejection of parental obligation. If the efforts of the ~~such~~  
26 ~~a~~ parent or legal custodian or person primarily responsible  
27 for the child's welfare to support and communicate with the  
28 child are only marginal efforts that do not evince a settled  
29 purpose to assume all parental duties, the child may be  
30 determined to have been abandoned. The term "abandoned" does  
31

1 not include an abandoned newborn infant as described in s.  
2 383.50.

3 (f) Neglects the child. Within the context of the  
4 definition of "harm," the term "neglects the child" means that  
5 the parent or other person responsible for the child's welfare  
6 fails to supply the child with adequate food, clothing,  
7 shelter, or health care, although financially able to do so or  
8 although offered financial or other means to do so. However,  
9 a parent or legal custodian who, by reason of the legitimate  
10 practice of religious beliefs, does not provide specified  
11 medical treatment for a child may not be considered abusive or  
12 neglectful for that reason alone, but such an exception does  
13 not:

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

16 2. Prevent the department from investigating such a  
17 case; or

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

24 (g) Exposes a child to a controlled substance or  
25 alcohol. Exposure to a controlled substance or alcohol is  
26 established by:

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

30  
31



1           2. Continued chronic and severe use of a controlled  
2 substance or alcohol by a parent when the child is  
3 demonstrably adversely affected by such usage.  
4

5 As used in this paragraph, the term "controlled substance"  
6 means prescription drugs not prescribed for the parent or not  
7 administered as prescribed and controlled substances as  
8 outlined in Schedule I or Schedule II of s. 893.03.

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

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

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

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

19           (l) Makes the child unavailable for the purpose of  
20 impeding or avoiding a protective investigation unless the  
21 court determines that the parent, legal custodian, or  
22 caregiver was fleeing from a situation involving domestic  
23 violence.

24           ~~(33)~~~~(31)~~ "Institutional child abuse or neglect" means  
25 situations of known or suspected child abuse or neglect in  
26 which the person allegedly perpetrating the child abuse or  
27 neglect is an employee of a private school, public or private  
28 day care center, residential home, institution, facility, or  
29 agency or any other person at such institution responsible for  
30 the child's care.  
31

1           ~~(34)~~(32) "Judge" means the circuit judge exercising  
2 jurisdiction pursuant to this chapter.

3           ~~(35)~~(33) "Legal custody" means a legal status created  
4 by a court ~~order or letter of guardianship~~ which vests in a  
5 custodian of the person or guardian, whether an agency or an  
6 individual, the right to have physical custody of the child  
7 and the right and duty to protect, nurture, guide ~~train~~, and  
8 discipline the child and to provide him or her with food,  
9 shelter, education, and ordinary medical, dental, psychiatric,  
10 and psychological care. ~~The legal custodian is the person or~~  
11 ~~entity in whom the legal right to custody is vested. For~~  
12 ~~purposes of this chapter only, when the phrase "parent or~~  
13 ~~legal custodian" is used, it refers to rights or~~  
14 ~~responsibilities of the parent and, only if there is no living~~  
15 ~~parent with intact parental rights, to the rights or~~  
16 ~~responsibilities of the legal custodian who has assumed the~~  
17 ~~role of the parent.~~

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

22           ~~(36)~~(35) "Licensed child-caring agency" means a  
23 person, society, association, or agency licensed by the  
24 department to care for, receive, and board children.

25           ~~(37)~~(36) "Licensed child-placing agency" means a  
26 person, society, association, or institution licensed by the  
27 department to care for, receive, or board children and to  
28 place children in a licensed child-caring institution or a  
29 foster or adoptive home.

30           ~~(38)~~(37) "Licensed health care professional" means a  
31 physician licensed under chapter 458, an osteopathic physician

1 licensed under chapter 459, a nurse licensed under part I of  
2 chapter 464, a physician assistant licensed under chapter 458  
3 or chapter 459, or a dentist licensed under chapter 466.

4 (39)~~(38)~~ "Likely to injure oneself" means that, as  
5 evidenced by violent or other actively self-destructive  
6 behavior, it is more likely than not that within a 24-hour  
7 period the child will attempt to commit suicide or inflict  
8 serious bodily harm on himself or herself.

9 (40)~~(39)~~ "Likely to injure others" means that it is  
10 more likely than not that within a 24-hour period the child  
11 will inflict serious and unjustified bodily harm on another  
12 person.

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

16 ~~(41) "Long term custody" or "long term custodial  
17 relationship" means the relationship that a juvenile court  
18 order creates between a child and an adult relative of the  
19 child or other legal custodian approved by the court when the  
20 child cannot be placed in the custody of a parent and adoption  
21 is not deemed to be in the best interest of the child.~~

22 ~~Long term custody confers upon the relative or other legal  
23 custodian, other than the department, the right to physical  
24 custody of the child, a right which will not be disturbed by  
25 the court except upon request of the legal custodian or upon a  
26 showing that the best interest of the child necessitates a  
27 change of custody for the child. A relative or other legal  
28 custodian who has been designated as a long term custodian  
29 shall have all of the rights and duties of a parent,  
30 including, but not limited to, the right and duty to protect,  
31 train, and discipline the child and to provide the child with~~

1 ~~food, shelter, and education, and ordinary medical, dental,~~  
2 ~~psychiatric, and psychological care, unless these rights and~~  
3 ~~duties are otherwise enlarged or limited by the court order~~  
4 ~~establishing the long term custodial relationship.~~

5 (41)~~(42)~~ "Mediation" means a process whereby a neutral  
6 third person called a mediator acts to encourage and  
7 facilitate the resolution of a dispute between two or more  
8 parties. It is an informal and nonadversarial process with  
9 the objective of helping the disputing parties reach a  
10 mutually acceptable and voluntary agreement. The role of the  
11 mediator includes, but is not limited to, assisting the  
12 parties in identifying issues, fostering joint problem  
13 solving, and exploring settlement alternatives.

14 (42)~~(43)~~ "Mental injury" means an injury to the  
15 intellectual or psychological capacity of a child as evidenced  
16 by a discernible and substantial impairment in the ability to  
17 function within the normal range of performance and behavior.

18 (43)~~(44)~~ "Necessary medical treatment" means care  
19 which is necessary within a reasonable degree of medical  
20 certainty to prevent the deterioration of a child's condition  
21 or to alleviate immediate pain of a child.

22 (44)~~(45)~~ "Neglect" occurs when a child is deprived of,  
23 or is allowed to be deprived of, necessary food, clothing,  
24 shelter, or medical treatment or a child is permitted to live  
25 in an environment when such deprivation or environment causes  
26 the child's physical, mental, or emotional health to be  
27 significantly impaired or to be in danger of being  
28 significantly impaired. The foregoing circumstances shall not  
29 be considered neglect if caused primarily by financial  
30 inability unless actual services for relief have been offered  
31 to and rejected by such person. A parent or legal custodian

1 | legitimately practicing religious beliefs in accordance with a  
2 | recognized church or religious organization who thereby does  
3 | not provide specific medical treatment for a child may ~~shall~~  
4 | not, for that reason alone, be considered a negligent parent  
5 | or legal custodian; however, such an exception does not  
6 | preclude a court from ordering the following services to be  
7 | provided, when the health of the child so requires:

8 |         (a) Medical services from a licensed physician,  
9 | dentist, optometrist, podiatric physician, or other qualified  
10 | health care provider; or

11 |         (b) Treatment by a duly accredited practitioner who  
12 | relies solely on spiritual means for healing in accordance  
13 | with the tenets and practices of a well-recognized church or  
14 | religious organization.

15 |  
16 | Neglect of a child includes acts or omissions.

17 |         ~~(45)(46)~~ "Next of kin" means an adult relative of a  
18 | child who is the child's brother, sister, grandparent, aunt,  
19 | uncle, or first cousin.

20 |         ~~(46)(47)~~ "Other person responsible for a child's  
21 | welfare" includes the child's legal guardian, ~~legal custodian,~~  
22 | or foster parent; an employee of a private school, public or  
23 | private child day care center, residential home, institution,  
24 | facility, or agency; or any other person legally responsible  
25 | for the child's welfare in a residential setting; and also  
26 | includes an adult sitter or relative entrusted with a child's  
27 | care. For the purpose of departmental investigative  
28 | jurisdiction, this definition does not include law enforcement  
29 | officers, or employees of municipal or county detention  
30 | facilities or the Department of Corrections, while acting in  
31 | an official capacity.

1           ~~(47)(48)~~ "Out-of-home" means a placement outside of  
2 the home of the parents or a parent.

3           ~~(48)(49)~~ "Parent" means a woman who gives birth to a  
4 child and a man who was married to the mother at the time the  
5 child was conceived or born, who has been determined by a  
6 court to be the father of the child, who has filed an  
7 affidavit of paternity under s. 382.013(2), or who has claimed  
8 to be the father of the child and has provided, or has  
9 attempted to provide, the child, or the mother during her  
10 pregnancy, with support in a repetitive, customary manner  
11 ~~whose consent to the adoption of the child would be required~~  
12 ~~under s. 63.062(1)~~. If a child has been legally adopted, the  
13 term "parent" means the adoptive mother or father of the  
14 child. The term does not include an individual whose parental  
15 relationship to the child has been legally terminated, or an  
16 alleged or prospective parent, unless the parental status  
17 falls within the terms of s. 39.503(1) or this subsection ~~s.~~  
18 ~~63.062(1)~~. For purposes of this chapter only, when the phrase  
19 "parent or legal custodian" is used, it refers to rights or  
20 responsibilities of the parent and, only if there is no living  
21 parent with intact parental rights, to the rights or  
22 responsibilities of the legal custodian who has assumed the  
23 role of the parent.

24           ~~(49)(50)~~ "Participant," for purposes of a shelter  
25 proceeding, dependency proceeding, or termination of parental  
26 rights proceeding, means any person who is not a party but who  
27 should receive notice of hearings involving the child,  
28 including the actual custodian of the child, the foster  
29 parents or the legal custodian of the child, identified  
30 prospective parents, ~~grandparents entitled to priority for~~  
31 ~~adoption consideration under s. 63.0425, actual custodians of~~

1 ~~the child,~~ and any other person whose participation may be in  
2 the best interest of the child. A community-based agency under  
3 contract with the department to provide protective services  
4 may be designated as a participant at the discretion of the  
5 court. Participants may be granted leave by the court to be  
6 heard without the necessity of filing a motion to intervene.

7 ~~(50)(51)~~ "Party" means the parent or parents of the  
8 child, the petitioner, the department, the guardian ad litem  
9 or the representative of the guardian ad litem program when  
10 the program has been appointed, and the child. The presence of  
11 the child may be excused by order of the court when presence  
12 would not be in the child's best interest. Notice to the child  
13 may be excused by order of the court when the age, capacity,  
14 or other condition of the child is such that the notice would  
15 be meaningless or detrimental to the child.

16 (51) "Permanency goal" means the living arrangement  
17 identified for the child to return to or identified as the  
18 permanent living arrangement of the child. Permanency goals  
19 applicable under this chapter are:

20 (a) Reunification;

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

23 (c) Permanent guardianship of a dependent child under  
24 s. 39.6221;

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

27 (e) Placement in another planned permanent living  
28 arrangement under s. 39.6241.

29  
30  
31

1 The permanency goal is also the case plan goal. If concurrent  
2 case planning is being used, reunification may be pursued at  
3 the same time that another permanency goal is pursued.

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

6 (53) "Permanent guardian" means the relative or other  
7 adult in a permanent guardianship of a dependent child under  
8 s. 39.6221.

9 (54) "Permanent guardianship of a dependent child"  
10 means a legal relationship that a court creates under s.  
11 39.6221 between a child and a relative or other adult approved  
12 by the court which is intended to be permanent and  
13 self-sustaining through the transfer of parental rights with  
14 respect to the child relating to protection, education, care  
15 and control of the person, custody of the person, and  
16 decisionmaking on behalf of the child.

17 (55)(52) "Physical injury" means death, permanent or  
18 temporary disfigurement, or impairment of any bodily part.

19 (56)(53) "Physician" means any licensed physician,  
20 dentist, podiatric physician, or optometrist and includes any  
21 intern or resident.

22 (57)(54) "Preliminary screening" means the gathering  
23 of preliminary information to be used in determining a child's  
24 need for further evaluation or assessment or for referral for  
25 other substance abuse services through means such as  
26 psychosocial interviews; urine and breathalyzer screenings;  
27 and reviews of available educational, delinquency, and  
28 dependency records of the child.

29 (58)(55) "Preventive services" means social services  
30 and other supportive and rehabilitative services provided to  
31 the parent or legal custodian of the child and to the child



1 for the purpose of averting the removal of the child from the  
2 home or disruption of a family which will or could result in  
3 the placement of a child in foster care. Social services and  
4 other supportive and rehabilitative services shall promote the  
5 child's need for physical, mental, and emotional health and a  
6 safe, stable, living environment, shall promote family  
7 autonomy, and shall strengthen family life, whenever possible.

8 ~~(59)~~~~(56)~~ "Prospective parent" means a person who  
9 claims to be, or has been identified as, a person who may be a  
10 mother or a father of a child.

11 ~~(60)~~~~(57)~~ "Protective investigation" means the  
12 acceptance of a report alleging child abuse, abandonment, or  
13 neglect, as defined in this chapter, by the central abuse  
14 hotline or the acceptance of a report of other dependency by  
15 the department; the investigation of each report; the  
16 determination of whether action by the court is warranted; the  
17 determination of the disposition of each report without court  
18 or public agency action when appropriate; and the referral of  
19 a child to another public or private agency when appropriate.

20 ~~(61)~~~~(58)~~ "Protective investigator" means an authorized  
21 agent of the department who receives and investigates reports  
22 of child abuse, abandonment, or neglect; who, as a result of  
23 the investigation, may recommend that a dependency petition be  
24 filed for the child; and who performs other duties necessary  
25 to carry out the required actions of the protective  
26 investigation function.

27 ~~(62)~~~~(59)~~ "Protective supervision" means a legal status  
28 in dependency cases which permits the child to remain safely  
29 in his or her own home or other nonlicensed placement under  
30 the supervision of an agent of the department and which must  
31 be reviewed by the court during the period of supervision.

1           ~~(63)~~~~(60)~~ "Relative" means a grandparent,  
2 great-grandparent, sibling, first cousin, aunt, uncle,  
3 great-aunt, great-uncle, niece, or nephew, whether related by  
4 the whole or half blood, by affinity, or by adoption. The term  
5 does not include a stepparent.

6           ~~(64)~~~~(61)~~ "Reunification services" means social  
7 services and other supportive and rehabilitative services  
8 provided to the parent of the child, to the child, and, where  
9 appropriate, to the relative placement, nonrelative placement,  
10 or foster parents of the child, for the purpose of enabling a  
11 child who has been placed in out-of-home care to safely return  
12 to his or her parent at the earliest possible time. The  
13 health and safety of the child shall be the paramount goal of  
14 social services and other supportive and rehabilitative  
15 services. ~~The Such~~ services shall promote the child's need for  
16 physical, mental, and emotional health and a safe, stable,  
17 living environment, shall promote family autonomy, and shall  
18 strengthen family life, whenever possible.

19           ~~(65)~~~~(62)~~ "Secretary" means the Secretary of Children  
20 and Family Services.

21           ~~(66)~~~~(63)~~ "Sexual abuse of a child" means one or more  
22 of the following acts:

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

26           (b) Any sexual contact between the genitals or anal  
27 opening of one person and the mouth or tongue of another  
28 person.

29           (c) Any intrusion by one person into the genitals or  
30 anal opening of another person, including the use of any  
31

1 object for this purpose, except that this does not include any  
2 act intended for a valid medical purpose.

3 (d) The intentional touching of the genitals or  
4 intimate parts, including the breasts, genital area, groin,  
5 inner thighs, and buttocks, or the clothing covering them, of  
6 either the child or the perpetrator, except that this does not  
7 include:

8 1. Any act which may reasonably be construed to be a  
9 normal caregiver responsibility, any interaction with, or  
10 affection for a child; or

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

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

14 (f) The intentional exposure of the perpetrator's  
15 genitals in the presence of a child, or any other sexual act  
16 intentionally perpetrated in the presence of a child, if such  
17 exposure or sexual act is for the purpose of sexual arousal or  
18 gratification, aggression, degradation, or other similar  
19 purpose.

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

22 1. Solicit for or engage in prostitution; or

23 2. Engage in a sexual performance, as defined by  
24 chapter 827.

25 ~~(67)~~~~(64)~~ "Shelter" means a placement with a relative  
26 or a nonrelative, or in a licensed home or facility, for the  
27 temporary care of a child who is alleged to be or who has been  
28 found to be dependent, pending court disposition before or  
29 after adjudication.

30 ~~(68)~~~~(65)~~ "Shelter hearing" means a hearing in which  
31 the court determines whether probable cause exists to keep a

1 child in shelter status pending further investigation of the  
2 case.

3 ~~(69)(66)~~ "Social service agency" means the department,  
4 a licensed child-caring agency, or a licensed child-placing  
5 agency.

6 ~~(70)(67)~~ "Substance abuse" means using, without  
7 medical reason, any psychoactive or mood-altering drug,  
8 including alcohol, in such a manner as to induce impairment  
9 resulting in dysfunctional social behavior.

10 ~~(71)(68)~~ "Substantial compliance" means that the  
11 circumstances which caused the creation of the case plan have  
12 been significantly remedied to the extent that the well-being  
13 and safety of the child will not be endangered upon the  
14 child's remaining with or being returned to the child's  
15 parent.

16 ~~(72)(69)~~ "Taken into custody" means the status of a  
17 child immediately when temporary physical control over the  
18 child is attained by a person authorized by law, pending the  
19 child's release or placement.

20 ~~(73)(70)~~ "Temporary legal custody" means the  
21 relationship that a ~~juvenile~~ court creates between a child and  
22 an adult relative of the child, legal custodian, agency, or  
23 other person approved by the court until a more permanent  
24 arrangement is ordered. Temporary legal custody confers upon  
25 the custodian the right to have temporary physical custody of  
26 the child and the right and duty to protect, nurture, guide  
27 ~~train~~, and discipline the child and to provide the child with  
28 food, shelter, and education, and ordinary medical, dental,  
29 psychiatric, and psychological care, unless these rights and  
30 duties are otherwise enlarged or limited by the court order  
31 establishing the temporary legal custody relationship.

1           ~~(74)(71)~~ "Victim" means any child who has sustained or  
2 is threatened with physical, mental, or emotional injury  
3 identified in a report involving child abuse, neglect, or  
4 abandonment, or child-on-child sexual abuse.

5           ~~(72) "Long term licensed custody" means the~~  
6 ~~relationship that a juvenile court order creates between a~~  
7 ~~child and a placement licensed by the state to provide~~  
8 ~~residential care for dependent children, if the licensed~~  
9 ~~placement is willing and able to continue to care for the~~  
10 ~~child until the child reaches the age of majority.~~

11           Section 2. Subsection (15) is added to section  
12 39.0121, Florida Statutes, to read:

13           39.0121 Specific rulemaking authority.--Pursuant to  
14 the requirements of s. 120.536, the department is specifically  
15 authorized to adopt, amend, and repeal administrative rules  
16 which implement or interpret law or policy, or describe the  
17 procedure and practice requirements necessary to implement  
18 this chapter, including, but not limited to, the following:

19           (15) Provision for making available to all physical  
20 custodians and family services counselors the information  
21 required by s. 39.6012(2) and for ensuring that this  
22 information follows the child until permanency has been  
23 achieved.

24           Section 3. Section 39.013, Florida Statutes, is  
25 amended to read:

26           39.013 Procedures and jurisdiction; right to  
27 counsel.--

28           (1) All procedures, including petitions, pleadings,  
29 subpoenas, summonses, and hearings, in this chapter shall be  
30 conducted according to the Florida Rules of Juvenile Procedure  
31 unless otherwise provided by law. Parents must be informed by

1 | the court of their right to counsel in dependency proceedings  
2 | at each stage of the dependency proceedings. Parents who are  
3 | unable to afford counsel must be appointed counsel.

4 |         (2) The circuit court has ~~shall have~~ exclusive  
5 | original jurisdiction of all proceedings under this chapter,  
6 | of a child voluntarily placed with a licensed child-caring  
7 | agency, a licensed child-placing agency, or the department,  
8 | and of the adoption of children whose parental rights have  
9 | been terminated under this chapter. Jurisdiction attaches when  
10 | the initial shelter petition, dependency petition, or  
11 | termination of parental rights petition is filed or when a  
12 | child is taken into the custody of the department. The circuit  
13 | court may assume jurisdiction over any such proceeding  
14 | regardless of whether the child was in the physical custody of  
15 | both parents, was in the sole legal or physical custody of  
16 | only one parent, caregiver, or some other person, or was in  
17 | the physical or legal custody of no person when the event or  
18 | condition occurred that brought the child to the attention of  
19 | the court. When the court obtains jurisdiction of any child  
20 | who has been found to be dependent, the court shall retain  
21 | jurisdiction, unless relinquished by its order, until the  
22 | child reaches 18 years of age. However, if a youth petitions  
23 | the court at any time before his or her 19th birthday  
24 | requesting the court's continued jurisdiction, the juvenile  
25 | court may retain jurisdiction under this chapter for a period  
26 | not to exceed 1 year following the youth's 18th birthday for  
27 | the purpose of determining whether appropriate aftercare  
28 | support, Road-to-Independence Scholarship, transitional  
29 | support, mental health, and developmental disability services,  
30 | to the extent otherwise authorized by law, have been provided  
31 | to the formerly dependent child who was in the legal custody

1 of the department immediately before his or her 18th birthday.  
2 If a petition for special immigrant juvenile status and an  
3 application for adjustment of status have been filed on behalf  
4 of a foster child and the petition and application have not  
5 been granted by the time the child reaches 18 years of age,  
6 the court may retain jurisdiction over the dependency case  
7 solely for the purpose of allowing the continued consideration  
8 of the petition and application by federal authorities. Review  
9 hearings for the child shall be set solely for the purpose of  
10 determining the status of the petition and application. The  
11 court's jurisdiction terminates upon the final decision of the  
12 federal authorities. Retention of jurisdiction in this  
13 instance does not affect the services available to a young  
14 adult under s. 409.1451. The court may not retain jurisdiction  
15 of the case after the immigrant child's 22nd birthday.

16 (3) When a child is under the jurisdiction of the  
17 circuit court pursuant to ~~the provisions of~~ this chapter, the  
18 circuit court assigned to handle dependency matters may  
19 exercise the general and equitable jurisdiction over  
20 guardianship proceedings under ~~pursuant to the provisions of~~  
21 chapter 744 and proceedings for temporary custody of minor  
22 children by extended family under ~~pursuant to the provisions~~  
23 ~~of~~ chapter 751.

24 (4) Orders entered pursuant to this chapter which  
25 affect the placement of, access to, parental time with,  
26 adoption of, or parental rights and responsibilities for a  
27 minor child shall take precedence over other orders entered in  
28 civil actions or proceedings. However, if the court has  
29 terminated jurisdiction, the ~~such~~ order may be subsequently  
30 modified by a court of competent jurisdiction in any other  
31 civil action or proceeding affecting placement of, access to,

1 | parental time with, adoption of, or parental rights and  
2 | responsibilities for the same minor child.

3 |         (5) The court shall expedite the resolution of the  
4 | placement issue in cases involving a child who has been  
5 | removed from the parent and placed in an out-of-home  
6 | placement.

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

10 |         (7) Children removed from their homes shall be  
11 | provided equal treatment with respect to goals, objectives,  
12 | services, and case plans, without regard to the location of  
13 | their placement.

14 |         (8) For any child who remains in the custody of the  
15 | department, the court shall, within the month which  
16 | constitutes the beginning of the 6-month period before the  
17 | child's 18th birthday, hold a hearing to review the progress  
18 | of the child while in the custody of the department.

19 |         (9)(a) At each stage of the proceedings under this  
20 | chapter, the court shall advise the parents of the right to  
21 | counsel. The court shall appoint counsel for indigent parents.  
22 | The court shall ascertain whether the right to counsel is  
23 | understood. When right to counsel is waived, the court shall  
24 | determine whether the waiver is knowing and intelligent. The  
25 | court shall enter its findings in writing with respect to the  
26 | appointment or waiver of counsel for indigent parents or the  
27 | waiver of counsel by nonindigent parents.

28 |         (b) Once counsel has entered an appearance or been  
29 | appointed by the court to represent the parent of the child,  
30 | the attorney shall continue to represent the parent throughout  
31 | the proceedings. If the attorney-client relationship is



1 discontinued, the court shall advise the parent of the right  
2 to have new counsel retained or appointed for the remainder of  
3 the proceedings.

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

9 2. A waiver of counsel made in court must be of  
10 record.

11 3. If a waiver of counsel is accepted at any hearing  
12 or proceeding, the offer of assistance of counsel must be  
13 renewed by the court at each subsequent stage of the  
14 proceedings at which the parent appears without counsel.

15 (d) This subsection does not apply to any parent who  
16 has voluntarily executed a written surrender of the child and  
17 consents to the entry of a court order terminating parental  
18 rights.

19 ~~(10) The time limitations in this chapter do not~~  
20 ~~include:~~

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

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

30 ~~1. Because of an unavailability of evidence material~~  
31 ~~to the case when the requesting party has exercised due~~

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

9 ~~2. To allow the requesting party additional time to~~  
10 ~~prepare the case and additional time is justified because of~~  
11 ~~an exceptional circumstance.~~

12 ~~(c) Reasonable periods of delay necessary to~~  
13 ~~accomplish notice of the hearing to the child's parent or~~  
14 ~~legal custodian; however, the petitioner shall continue~~  
15 ~~regular efforts to provide notice to the parents during such~~  
16 ~~periods of delay.~~

17 ~~(d) Reasonable periods of delay resulting from a~~  
18 ~~continuance granted at the request of the parent or legal~~  
19 ~~custodian of a subject child.~~

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

31

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

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

13           ~~(11)(12)~~ The court shall encourage the Statewide  
14 Guardian Ad Litem Office to provide greater representation to  
15 those children who are within 1 year of transferring out of  
16 foster care.

17           Section 4. Section 39.0136, Florida Statutes, is  
18 created to read:

19           39.0136 Time limitations; continuances.--

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

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

27           (a) Periods of delay resulting from a continuance  
28 granted at the request of the child's counsel or the child's  
29 guardian ad litem or, if the child is of sufficient capacity  
30 to express reasonable consent, at the request or with the  
31 consent of the child. The court must consider the best

1 interests of the child when determining periods of delay under  
2 this section.

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 that is  
7 material to the case if the requesting party has exercised due  
8 diligence to obtain evidence and there are substantial grounds  
9 to believe that the evidence will be available within 30 days.

10 However, if the requesting party is not prepared to proceed  
11 within 30 days, any other party may move for issuance of an  
12 order to show cause or the court on its own motion may impose  
13 appropriate sanctions, which may include dismissal of the  
14 petition.

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

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

23 (3) Notwithstanding subsection (2), in order to  
24 expedite permanency for a child, the total time allowed for  
25 continuances or extensions of time may not exceed 60 days  
26 within any 12-month period for proceedings conducted under  
27 this chapter. A continuance or extension of time may be  
28 granted only for extraordinary circumstances in which it is  
29 necessary to preserve the constitutional rights of a party or  
30 if substantial evidence exists to demonstrate that without

31

1 granting a continuance or extension of time the child's best  
2 interests will be harmed.

3 (4) Notwithstanding subsection (2), a continuance or  
4 an extension of time is limited to the number of days  
5 absolutely necessary to complete a necessary task in order to  
6 preserve the rights of a party or the best interests of a  
7 child.

8 Section 5. Section 39.0137, Florida Statutes, is  
9 created to read:

10 39.0137 Federal law; rulemaking authority.--

11 (1) This chapter does not supersede the requirements  
12 of the Indian Child Welfare Act, 25 U.S.C. ss. 1901, et seq.,  
13 or the Multi-Ethnic Placement Act of 1994, Pub. L. No.  
14 103-382, as amended, or the implementing regulations.

15 (2) The department shall adopt rules no later than  
16 July 1, 2007, to ensure that the provisions of these federal  
17 laws are enforced in this state. The department is encouraged  
18 to enter into agreements with recognized American Indian  
19 tribes in order to facilitate the implementation of the Indian  
20 Child Welfare Act.

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

23 39.0138 Requirements for placement of children;  
24 exemptions from disqualification.--

25 (1)(a) The department may conduct criminal record  
26 checks equivalent to the level 2 screening required in s.  
27 435.04 for any person being considered by the department for  
28 approval for placement of a child subject to a placement  
29 decision under this chapter. Approval for placement with any  
30 person other than a parent may not be granted in any case in  
31

1 which a record check reveals a felony conviction in a court of  
2 competent jurisdiction for:

3 1. Child abuse, abandonment, or neglect; spousal  
4 abuse; a crime against children, including child pornography,  
5 or a crime involving violence, including sexual battery,  
6 sexual assault, or homicide, but not including other physical  
7 assault or battery, if the felony was committed at any time;  
8 or

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

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

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

22 (d) The results of any background check of a parent  
23 conducted under this section must be considered in determining  
24 whether placement with the parent will jeopardize the safety  
25 of the child being placed.

26 (2)(a) The court may review the decision of the  
27 department to grant or deny the placement of a child based on  
28 a criminal offense upon the motion of any party, the request  
29 of any person who has been denied the placement by the  
30 department, or on its own motion. The court shall prepare  
31 written findings to support its decision in this matter.

1           (b) A person who is seeking placement of a child  
2 following denial by the department based on a disqualifying  
3 criminal offense has the burden of setting forth sufficient  
4 evidence of rehabilitation, including, but not limited to, the  
5 circumstances surrounding the incident for which an exemption  
6 from disqualification is sought, the time that has elapsed  
7 since the incident, the nature of the harm caused to the  
8 victim, the history of the person since the incident, and any  
9 other evidence or circumstances indicating that the person  
10 will not present a danger if the placement of the child is  
11 allowed.

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

15           39.201 Mandatory reports of child abuse, abandonment,  
16 or neglect; mandatory reports of death; central abuse  
17 hotline.--

18           (1)(a) Any person who knows, or has reasonable cause  
19 to suspect, that a child is abused, abandoned, or neglected by  
20 a parent, legal custodian, caregiver, or other person  
21 responsible for the child's welfare, as defined in this  
22 chapter, or that a child is in need of supervision and care  
23 and has no parent, legal custodian, or responsible adult  
24 relative immediately known and available to provide  
25 supervision and care shall report such knowledge or suspicion  
26 to the department in the manner prescribed in subsection (2).

27           (2)(a) Each report of known or suspected child abuse,  
28 abandonment, or neglect by a parent, legal custodian,  
29 caregiver, or other person responsible for the child's welfare  
30 as defined in this chapter, except those solely under s.  
31 827.04(3), and each report that a child is in need of

1 supervision and care and has no parent, legal custodian, or  
2 responsible adult relative immediately known and available to  
3 provide supervision and care shall be made immediately to the  
4 department's central abuse hotline on the single statewide  
5 toll-free telephone number. Personnel at the department's  
6 central abuse hotline shall determine if the report received  
7 meets the statutory definition of child abuse, abandonment, or  
8 neglect. Any report meeting one of these definitions shall be  
9 accepted for the protective investigation pursuant to part III  
10 of this chapter.

11 (5) The department shall be capable of receiving and  
12 investigating, 24 hours a day, 7 days a week, reports of known  
13 or suspected child abuse, abandonment, or neglect and reports  
14 that a child is in need of supervision and care and has no  
15 parent, legal custodian, or responsible adult relative  
16 immediately known and available to provide supervision and  
17 care ~~24 hours a day, 7 days a week~~. If it appears that the  
18 immediate safety or well-being of a child is endangered, that  
19 the family may flee or the child will be unavailable for  
20 purposes of conducting a child protective investigation, or  
21 that the facts otherwise so warrant, the department shall  
22 commence an investigation immediately, regardless of the time  
23 of day or night. In all other child abuse, abandonment, or  
24 neglect cases, a child protective investigation shall be  
25 commenced within 24 hours after receipt of the report. In an  
26 institutional investigation, the alleged perpetrator may be  
27 represented by an attorney, at his or her own expense, or  
28 accompanied by another person, if the person or the attorney  
29 executes an affidavit of understanding with the department and  
30 agrees to comply with the confidentiality provisions of s.  
31 39.202. The absence of an attorney or other person does not



1 prevent the department from proceeding with other aspects of  
2 the investigation, including interviews with other persons. In  
3 institutional child abuse cases when the institution is not  
4 operating and the child cannot otherwise be located, the  
5 investigation shall commence immediately upon the resumption  
6 of operation. If requested by a state attorney or local law  
7 enforcement agency, the department shall furnish all  
8 investigative reports to that agency.

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

12 39.301 Initiation of protective investigations.--

13 (1) Upon receiving an oral or written report of known  
14 or suspected child abuse, abandonment, or neglect, or that a  
15 child is in need of supervision and care and has no parent,  
16 legal custodian, or responsible adult relative immediately  
17 known and available to provide supervision and care, the  
18 central abuse hotline shall determine if the report requires  
19 an immediate onsite protective investigation. For reports  
20 requiring an immediate onsite protective investigation, the  
21 central abuse hotline shall immediately notify the  
22 department's designated children and families district staff  
23 responsible for protective investigations to ensure that an  
24 onsite investigation is promptly initiated. For reports not  
25 requiring an immediate onsite protective investigation, the  
26 central abuse hotline shall notify the department's designated  
27 children and families district staff responsible for  
28 protective investigations in sufficient time to allow for an  
29 investigation. At the time of notification of district staff  
30 with respect to the report, the central abuse hotline shall  
31 also provide information on any previous report concerning a

1 subject of the present report or any pertinent information  
2 relative to the present report or any noted earlier reports.

3 (2)(a) The department shall immediately forward  
4 allegations of criminal conduct to the municipal or county law  
5 enforcement agency of the municipality or county in which the  
6 alleged conduct has occurred.

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

9 1. A child is known or suspected to be the victim of  
10 child abuse, as defined in s. 827.03, or of neglect of a  
11 child, as defined in s. 827.03.

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

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

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

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

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

24 (c) Upon receiving a written report of an allegation  
25 of criminal conduct from the department, the law enforcement  
26 agency shall review the information in the written report to  
27 determine whether a criminal investigation is warranted. If  
28 the law enforcement agency accepts the case for criminal  
29 investigation, it shall coordinate its investigative  
30 activities with the department, whenever feasible. If the law  
31 enforcement agency does not accept the case for criminal

1 investigation, the agency shall notify the department in  
2 writing.

3 (d) The local law enforcement agreement required in s.  
4 39.306 shall describe the specific local protocols for  
5 implementing this section.

6 (5)(a) Upon commencing an investigation under this  
7 part, the child protective investigator shall inform any  
8 subject of the investigation of the following:

9 1. The names of the investigators and identifying  
10 credentials from the department.

11 2. The purpose of the investigation.

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

14 4. The possible outcomes and services of the  
15 department's response shall be explained to the parent or  
16 legal custodian.

17 5. The right of the parent or legal custodian to be  
18 involved to the fullest extent possible in determining the  
19 nature of the allegation and the nature of any identified  
20 problem.

21 6. The duty of the parent or legal custodian to report  
22 any change in the residence or location of the child to the  
23 investigator and that the duty to report continues until the  
24 investigation is closed.

25 (b) The department's training program shall ensure  
26 that protective investigators know how to fully inform parents  
27 or legal custodians of their rights and options, including  
28 opportunities for audio or video recording of investigators'  
29 interviews with parents or legal custodians or children.

30 (22) When an investigation is closed and a person is  
31 not identified as a caregiver responsible for the abuse,

1 neglect, or abandonment alleged in the report, the fact that  
2 the person is named in some capacity in the report may not be  
3 used in any way to adversely affect the interests of that  
4 person. This prohibition applies to any use of the information  
5 in employment screening, licensing, child placement, adoption,  
6 or any other decisions by a private adoption agency or a state  
7 agency or its contracted providers, except that a previous  
8 report may be used to determine whether a child is safe and  
9 what the known risk is to the child at any stage of a  
10 child-protection proceeding.

11 (23) If, after having been notified of the requirement  
12 to report a change in residence or location of the child to  
13 the protective investigator, a parent or legal custodian  
14 causes the child to move, or allows the child to be moved, to  
15 a different residence or location, or if the child leaves the  
16 residence on his or her own accord and the parent or legal  
17 custodian does not notify the protective investigator of the  
18 move within 2 business days, the child may be considered to be  
19 a missing child for the purposes of filing a report with a law  
20 enforcement agency under s. 937.021.

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

23 39.303 Child protection teams; services; eligible  
24 cases.--The Children's Medical Services Program in the  
25 Department of Health shall develop, maintain, and coordinate  
26 the services of one or more multidisciplinary child protection  
27 teams in each of the service districts of the Department of  
28 Children and Family Services. Such teams may be composed of  
29 appropriate representatives of school districts and  
30 appropriate health, mental health, social service, legal  
31 service, and law enforcement agencies. The Legislature finds

1 | that optimal coordination of child protection teams and sexual  
2 | abuse treatment programs requires collaboration between the  
3 | Department of Health and the Department of Children and Family  
4 | Services. The two departments shall maintain an interagency  
5 | agreement that establishes protocols for oversight and  
6 | operations of child protection teams and sexual abuse  
7 | treatment programs. The Secretary of Health and the Deputy  
8 | Secretary for Children's Medical Services, in consultation  
9 | with the Secretary of Children and Family Services, shall  
10 | maintain the responsibility for the screening, employment,  
11 | and, if necessary, the termination of child protection team  
12 | medical directors, at headquarters and in the 15 districts.  
13 | Child protection team medical directors shall be responsible  
14 | for oversight of the teams in the districts.

15 |         (2) The child abuse, abandonment, and neglect reports  
16 | that must be referred by the department ~~of Children and Family~~  
17 | ~~Services~~ to child protection teams of the Department of Health  
18 | for an assessment and other appropriate available support  
19 | services as set forth in subsection (1) must include cases  
20 | involving:

21 |             (a) Injuries to the head, bruises to the neck or head,  
22 | burns, or fractures in a child of any age.

23 |             (b) Bruises anywhere on a child 5 years of age or  
24 | under.

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

28 |             (d) Any sexually transmitted disease in a prepubescent  
29 | child.

30 |             (e) Reported malnutrition of a child and failure of a  
31 | child to thrive.

1 (f) Reported medical neglect of a child.

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

7 (h) Symptoms of serious emotional problems in a child  
8 when emotional or other abuse, abandonment, or neglect is  
9 suspected.

10 Section 10. Subsections (10) and (16) of section  
11 39.402, Florida Statutes, are amended, and subsections (17)  
12 and (18) are added to that section, to read:

13 39.402 Placement in a shelter.--

14 (10)(a) The shelter hearing order shall contain a  
15 written determination as to whether the department has made a  
16 reasonable effort to prevent or eliminate the need for removal  
17 or continued removal of the child from the home. This  
18 determination must include a description of which specific  
19 services, if available, could prevent or eliminate the need  
20 for removal or continued removal from the home and the date by  
21 which the services are expected to become available.

22 (b) If services are not available to prevent or  
23 eliminate the need for removal or continued removal of the  
24 child from the home, the written determination must also  
25 contain an explanation describing why the services are not  
26 available for the child.

27 (c) If the department has not made ~~such~~ an effort to  
28 prevent or eliminate the need for removal, the court shall  
29 order the department to provide appropriate and available  
30 services to ensure the protection of the child in the home  
31

1 when ~~the such~~ services are necessary for the child's health  
2 and safety.

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

5 (a) Notify all parties in writing of the next  
6 scheduled hearing to review the shelter placement. ~~The Such~~  
7 hearing shall be held no later than 30 days after placement of  
8 the child in shelter status, in conjunction with the  
9 arraignment hearing, and at such times as are otherwise  
10 provided by law or determined by the court to be necessary;  
11 ~~and-~~

12 (b) Notify all parties in writing of the date, time,  
13 and place of the case plan conference, family team conference,  
14 or mediation that will be used to develop the case plan. The  
15 case plan conference, family team conference, or mediation  
16 must take place no later than 30 days after placing the child  
17 in shelter status.

18 (17) At the shelter hearing, the court shall inquire  
19 of the parent whether the parent has relatives who might be  
20 considered as a placement for the child. The parent shall  
21 provide to the court and all parties identification and  
22 location information regarding the relatives. The court shall  
23 advise the parent that the parent has a continuing duty to  
24 inform the department of any relative who should be considered  
25 for placement of the child.

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

30 Section 11. Present subsections (7) and (8) of section  
31 39.507, Florida Statutes, are redesignated as subsections (8)

1 and (9), respectively, and a new subsection (7) is added to  
2 that section, to read:

3 39.507 Adjudicatory hearings; orders of  
4 adjudication.--

5 (7) If a court adjudicates a child dependent and the  
6 child is in out-of-home care, the court shall inquire of the  
7 parent or parents whether the parents have relatives who might  
8 be considered as a placement for the child. The court shall  
9 advise the parents that, if the parents fail to substantially  
10 comply with the case plan, their parental rights may be  
11 terminated and that the child's out-of-home placement may  
12 become permanent. The parent or parents shall provide to the  
13 court and all parties identification and location information  
14 of the relatives.

15 Section 12. Paragraph (c) of subsection (1) and  
16 paragraph (a) of subsection (2) of section 39.5085, Florida  
17 Statutes, are amended to read:

18 39.5085 Relative Caregiver Program.--

19 (1) It is the intent of the Legislature in enacting  
20 this section to:

21 (c) Recognize that permanency in the best interests of  
22 the child can be achieved through a variety of permanency  
23 options, including permanent guardianship under s. 39.6221 if  
24 the guardian is a relative, by permanent placement with a fit  
25 and willing relative under s. 39.6231, by a relative ~~long term~~  
26 relative custody, guardianship under chapter 744, or adoption,  
27 by providing additional placement options and incentives that  
28 will achieve permanency and stability for many children who  
29 are otherwise at risk of foster care placement because of  
30 abuse, abandonment, or neglect, but who may successfully be  
31



1 able to be placed by the dependency court in the care of such  
2 relatives.

3 (2)(a) The Department of Children and Family Services  
4 shall establish and operate the Relative Caregiver Program  
5 pursuant to eligibility guidelines established in this section  
6 as further implemented by rule of the department. The Relative  
7 Caregiver Program shall, within the limits of available  
8 funding, provide financial assistance to:

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

15 2. Relatives who are within the fifth degree by blood  
16 or marriage to the parent or stepparent of a child and who are  
17 caring full-time for that dependent child, and a dependent  
18 half-brother or half-sister of that dependent child, in the  
19 role of substitute parent as a result of a court's  
20 determination of child abuse, neglect, or abandonment and  
21 subsequent placement with the relative under ~~pursuant to~~ this  
22 chapter.

23  
24 The ~~Such~~ placement may be ~~either~~ court-ordered temporary legal  
25 custody to the relative under protective supervision of the  
26 department pursuant to s. 39.521(1)(b)3., or court-ordered  
27 placement in the home of a relative as a permanency option  
28 under s. 39.6221 or s. 39.6231 or under s. 39.622 if the  
29 placement was made before July 1, 2006 ~~pursuant to s. 39.622.~~

30 The Relative Caregiver Program shall offer financial  
31 assistance to caregivers who are relatives and who would be

1 | unable to serve in that capacity without the relative  
2 | caregiver payment because of financial burden, thus exposing  
3 | the child to the trauma of placement in a shelter or in foster  
4 | care.

5 |       Section 13. Paragraph (d) of subsection (1) of section  
6 | 39.521, Florida Statutes, is amended to read:

7 |       39.521 Disposition hearings; powers of disposition.--

8 |       (1) A disposition hearing shall be conducted by the  
9 | court, if the court finds that the facts alleged in the  
10 | petition for dependency were proven in the adjudicatory  
11 | hearing, or if the parents or legal custodians have consented  
12 | to the finding of dependency or admitted the allegations in  
13 | the petition, have failed to appear for the arraignment  
14 | hearing after proper notice, or have not been located despite  
15 | a diligent search having been conducted.

16 |       (d) The court shall, in its written order of  
17 | disposition, include all of the following:

- 18 |       1. The placement or custody of the child.
- 19 |       2. Special conditions of placement and visitation.
- 20 |       3. Evaluation, counseling, treatment activities, and  
21 | other actions to be taken by the parties, if ordered.
- 22 |       4. The persons or entities responsible for supervising  
23 | or monitoring services to the child and parent.
- 24 |       5. Continuation or discharge of the guardian ad litem,  
25 | as appropriate.
- 26 |       6. The date, time, and location of the next scheduled  
27 | review hearing, which must occur within the earlier of:
  - 28 |       a. Ninety days after the disposition hearing;
  - 29 |       b. Ninety days after the court accepts the case plan;
  - 30 |       c. Six months after the date of the last review  
31 | hearing; or

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

4           7. If the child is in an out-of-home placement, child  
5 support to be paid by the parents, or the guardian of the  
6 child's estate if possessed of assets which under law may be  
7 disbursed for the care, support, and maintenance of the child.  
8 The court may exercise jurisdiction over all child support  
9 matters, shall adjudicate the financial obligation, including  
10 health insurance, of the child's parents or guardian, and  
11 shall enforce the financial obligation as provided in chapter  
12 61. The state's child support enforcement agency shall enforce  
13 child support orders under this section in the same manner as  
14 child support orders under chapter 61. Placement of the child  
15 shall not be contingent upon issuance of a support order.

16           8.a. If the court does not commit the child to the  
17 temporary legal custody of an adult relative, legal custodian,  
18 or other adult approved by the court, the disposition order  
19 shall include the reasons for such a decision and shall  
20 include a determination as to whether diligent efforts were  
21 made by the department to locate an adult relative, legal  
22 custodian, or other adult willing to care for the child in  
23 order to present that placement option to the court instead of  
24 placement with the department.

25           b. If ~~diligent efforts are made to locate an adult~~  
26 ~~relative willing and able to care for the child but, because~~  
27 no suitable relative is found and, the child is placed with  
28 the department or a legal custodian or other adult approved by  
29 the court, both the department and the court shall consider  
30 transferring temporary legal custody to an adult relative  
31 approved by the court at a later date, but neither the

1 department nor the court is obligated to so place the child if  
2 it is in the child's best interest to remain in the current  
3 placement.

4  
5 For the purposes of this subparagraph, "diligent efforts to  
6 locate an adult relative" means a search similar to the  
7 diligent search for a parent, but without the continuing  
8 obligation to search after an initial adequate search is  
9 completed.

10           9. Other requirements necessary to protect the health,  
11 safety, and well-being of the child, to preserve the stability  
12 of the child's educational placement, and to promote family  
13 preservation or reunification whenever possible.

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

16           39.522 Postdisposition change of custody.--The court  
17 may change the temporary legal custody or the conditions of  
18 protective supervision at a postdisposition hearing, without  
19 the necessity of another adjudicatory hearing.

20           (1) A child who has been placed in the child's own  
21 home under the protective supervision of an authorized agent  
22 of the department, in the home of a relative, in the home of a  
23 legal custodian, or in some other place may be brought before  
24 the court by the department or by any other interested person,  
25 upon the filing of a petition alleging a need for a change in  
26 the conditions of protective supervision or the placement. If  
27 the parents or other legal custodians deny the need for a  
28 change, the court shall hear all parties in person or by  
29 counsel, or both. Upon the admission of a need for a change or  
30 after such hearing, the court shall enter an order changing  
31 the placement, modifying the conditions of protective

1 supervision, or continuing the conditions of protective  
2 supervision as ordered. The standard for changing custody of  
3 the child shall be the best interest of the child. When  
4 applying this standard, the court shall consider the  
5 continuity of the child's placement in the same out-of-home  
6 residence as a factor when determining the best interests of  
7 the child. If the child is not placed in foster care, then the  
8 new placement for the child must meet the home study criteria  
9 and court approval pursuant to this chapter.

10 Section 15. Section 39.6011, Florida Statutes, is  
11 created to read:

12 39.6011 Case plan development.--

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

23 (a) The case plan must be developed in a face-to-face  
24 conference with the parent of the child, any court-appointed  
25 guardian ad litem, and, if appropriate, the child and the  
26 temporary custodian of the child. The conference to prepare a  
27 case plan must be scheduled under s. 39.402(16)(b) and must be  
28 conducted according to one of the following procedures:

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

1           2. A mediation if dependency mediation services are  
2 available and appropriate and in the best interests of the  
3 child.

4           3. A family team conference if a family team  
5 conference is available.

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

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

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

31

1           (a) A description of the identified problem being  
2 addressed, including the parent's behavior or acts resulting  
3 in risk to the child and the reason for the intervention by  
4 the department.

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

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

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

16           (e) A written notice to the parent that failure of the  
17 parent to substantially comply with the case plan may result  
18 in the termination of parental rights, and that a material  
19 breach of the case plan may result in the filing of a petition  
20 for termination of parental rights sooner than the compliance  
21 period set forth in the case plan.

22           (3) The case plan must be signed by all parties,  
23 except that the signature of a child may be waived if the  
24 child is not of an age or capacity to participate in the  
25 case-planning process. Signing the case plan constitutes an  
26 acknowledgement that the case plan has been developed by the  
27 parties and that they are in agreement as to the terms and  
28 conditions contained in the case plan. The refusal of a parent  
29 to sign the case plan does not prevent the court from  
30 accepting the case plan if the case plan is otherwise  
31 acceptable to the court. Signing the case plan does not

1 constitute an admission to any allegation of abuse,  
2 abandonment, or neglect and does not constitute consent to a  
3 finding of dependency or termination of parental rights.  
4 Before signing the case plan, the department shall explain the  
5 provisions of the plan to all persons involved in its  
6 implementation, including, when appropriate, the child.

7 (4) The case plan must describe:

8 (a) The role of the foster parents or legal custodians  
9 when developing the services that are to be provided to the  
10 child, foster parents, or legal custodians;

11 (b) The minimum number of face-to-face meetings to be  
12 held each month between the parents and the department's  
13 family services counselors to review the progress of the plan,  
14 to eliminate barriers to progress, and to resolve conflicts or  
15 disagreements; and

16 (c) The parent's responsibility for financial support  
17 of the child, including, but not limited to, health insurance  
18 and child support. The case plan must list the costs  
19 associated with any services or treatment that the parent and  
20 child are expected to receive which are the financial  
21 responsibility of the parent. The determination of child  
22 support and other financial support shall be made  
23 independently of any determination of indigency under s.  
24 39.013.

25 (5) When the permanency goal for a child is adoption,  
26 the case plan must include documentation of the steps the  
27 agency is taking to find an adoptive family or other permanent  
28 living arrangement for the child. At a minimum, the  
29 documentation shall include recruitment efforts that are  
30 specific to the child, such as the use of state, regional, and  
31



1 national adoption exchanges, including electronic exchange  
2 systems.

3 (6) After the case plan has been developed, the  
4 department shall adhere to the following procedural  
5 requirements:

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

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

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

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

26 3. After jurisdiction attaches, all case plans must be  
27 filed with the court and a copy provided to all the parties  
28 whose whereabouts are known not less than 3 business days  
29 before the disposition hearing. The department shall file with  
30 the court, and provide copies to the parties, all case plans  
31 prepared before jurisdiction of the court attached.

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

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

10           Section 16. Section 39.6012, Florida Statutes, is  
11 created to read:

12           39.6012 Case plan tasks; services.--

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

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

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

- 29           1. The type of services or treatment.  
30  
31

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

4           3. The date by which the parent must complete each  
5 task.

6           4. The frequency of services or treatment provided.  
7 The frequency of the delivery of services or treatment  
8 provided shall be determined by the professionals providing  
9 the services or treatment on a case-by-case basis and adjusted  
10 according to their best professional judgment.

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

12           6. The staff of the department or service provider  
13 accountable for the services or treatment.

14           7. A description of the measurable objectives,  
15 including the timeframes specified for achieving the  
16 objectives of the case plan and addressing the identified  
17 problem.

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

21           (a) A description of the identified needs of the child  
22 while in care.

23           (b) A description of the plan for ensuring that the  
24 child receives safe and proper care and that services are  
25 provided to the child in order to address the child's needs.  
26 To the extent available and accessible, the following health,  
27 mental health, and education information and records of the  
28 child must be attached to the case plan and updated throughout  
29 the judicial-review process:

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

- 1           2. The child's grade-level performance;  
2           3. The child's school record;  
3           4. Assurances that the child's placement takes into  
4 account proximity to the school in which the child is enrolled  
5 at the time of placement;  
6           5. A record of the child's immunizations;  
7           6. The child's known medical history, including any  
8 known problems;  
9           7. The child's medications, if any; and  
10          8. Any other relevant health, mental health, and  
11 education information concerning the child.  
12          (3) In addition to any other requirement, if the child  
13 is in an out-of-home placement, the case plan must include:  
14          (a) A description of the type of placement in which  
15 the child is to be living.  
16          (b) A description of the parent's visitation rights  
17 and obligations and the plan for sibling visitation if the  
18 child has siblings and is separated from them.  
19          (c) When appropriate, for a child who is 13 years of  
20 age or older, a written description of the programs and  
21 services that will help the child prepare for the transition  
22 from foster care to independent living.  
23          (d) A discussion of the safety and the appropriateness  
24 of the child's placement, which placement is intended to be  
25 safe, and the least restrictive and the most family-like  
26 setting available consistent with the best interest and  
27 special needs of the child and in as close proximity as  
28 possible to the child's home.  
29          Section 17. Section 39.6013, Florida Statutes, is  
30 created to read:  
31          39.6013 Case plan amendments.--

1       (1) After the case plan has been developed under s.  
2 39.6011, the tasks and services agreed upon in the plan may  
3 not be changed or altered in any way except as provided in  
4 this section.

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

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

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

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

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

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

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

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

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

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

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

23           39.603 Court approvals of case planning.--

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

29           (a) All parties who were notified and are in  
30 attendance at the hearing, either in person or through a legal  
31 representative. The court may appoint a guardian ad litem

1 | under Rule 1.210, Florida Rules of Civil Procedure, to  
2 | represent the interests of any parent, if the location of the  
3 | parent is known but the parent is not present at the hearing  
4 | and the development of the plan is based upon the physical,  
5 | emotional, or mental condition or physical location of the  
6 | parent.

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

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

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

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

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

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

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

3 Section 19. 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 20. 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 21. 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 22. 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 23. 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 24. 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. The court shall set an advisory hearing at  
16 the judicial review hearing if an advisory hearing has not  
17 previously been set. ~~initiate termination of parental rights~~  
18 ~~proceedings under this chapter within 30 days. Only if the~~  
19 ~~court finds that the situation of the child is so~~  
20 ~~extraordinary and that the best interests of the child will be~~  
21 ~~met by such action at the time of the judicial review may the~~  
22 ~~case plan be extended. If the court decides to extend the~~  
23 ~~plan, the court shall enter detailed findings justifying the~~  
24 ~~decision to extend, as well as the length of the extension. A~~  
25 ~~termination of parental rights petition need not be filed if:~~  
26 ~~the child is being cared for by a relative who chooses not to~~  
27 ~~adopt the child but who is willing, able, and suitable to~~  
28 ~~serve as the legal custodian for the child until the child~~  
29 ~~reaches 18 years of age; the court determines that filing such~~  
30 ~~a petition would not be in the best interests of the child; or~~  
31 ~~the state has not provided the child's parent, when reasonable~~



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

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

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

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

19 1. Adoption is not the appropriate permanency goal for  
20 the child;

21 2. No grounds to file a petition to terminate parental  
22 rights exist;

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

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

28 5. The department has not provided to the family,  
29 consistent with the time period in the case plan, services  
30 that the department deems necessary for the safe return of the  
31 child to the home.

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

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

7           39.806 Grounds for termination of parental rights.--

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

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

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

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

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

28           (c) When the parent or parents engaged in conduct  
29 toward the child or toward other children that demonstrates  
30 that the continuing involvement of the parent or parents in  
31 the parent-child relationship threatens the life, safety,

1 well-being, or physical, mental, or emotional health of the  
2 child irrespective of the provision of services. Provision of  
3 services may be evidenced by proof that services were provided  
4 through a previous plan or offered as a case plan from a child  
5 welfare agency.

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

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

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

29 3. The court determines by clear and convincing  
30 evidence that continuing the parental relationship with the  
31 incarcerated parent would be harmful to the child and, for

1 | this reason, that termination of the parental rights of the  
2 | incarcerated parent is in the best interest of the child.

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

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

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

31 |

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

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

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

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

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

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

29 (2) Reasonable efforts to preserve and reunify  
30 families ~~are shall~~ not ~~be~~ required if a court of competent  
31

1 jurisdiction has determined that any of the events described  
2 in paragraphs (1)(e)-(i) have occurred.

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

5 39.810 Manifest best interests of the child.--In a  
6 hearing on a petition for termination of parental rights, the  
7 court shall consider the manifest best interests of the child.  
8 This consideration shall not include a comparison between the  
9 attributes of the parents and those of any persons providing a  
10 present or potential placement for the child. For the purpose  
11 of determining the manifest best interests of the child, the  
12 court shall consider and evaluate all relevant factors,  
13 including, but not limited to:

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

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

26 39.811 Powers of disposition; order of disposition.--

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

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

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

28 |           39.0015 Child abuse prevention training in the  
29 | district school system.--

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

30  
31

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 33. 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 34. 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 35. Sections 39.601, 39.622, 39.623, 39.624,  
26 and 435.045, Florida Statutes, are repealed.

27 Section 36. This act shall take effect July 1, 2006.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS for Senate Bill 1080

The committee substitute makes the following changes to the underlying committee substitute:

- Requires the Department of Children and Families (DCF) to develop a process for making information in a child's case plan available to his or her physical custodians and family services counselors and for ensuring that the information follows the child until permanency is achieved;
- Clarifies and simplifies the process to be used when the department denies placement of a child with a person due to a disqualifying criminal offense;
- Provides that a parent has a continuing duty to inform the department of any relatives who should be considered for placement of their child;
- Requires parents to comply with a child's case plan or face possible termination of parental rights (TPR); and
- Allows the court on its own motion to review a decision by DCF not to file a TPR petition after the 12-month-case review.