

1  
2 An act relating to child protective services;  
3 amending s. 39.01, F.S.; revising definitions  
4 relating to child protective services; amending  
5 s. 39.0121, F.S.; authorizing the Department of  
6 Children and Family Services to adopt rules for  
7 sharing information contained in a child's case  
8 plan with the custodian and family services  
9 counselor; amending s. 39.013, F.S.; removing  
10 provisions relating to continuances; creating  
11 s. 39.0136, F.S.; providing for time  
12 limitations in child protective cases;  
13 providing exceptions; creating s. 39.0137;  
14 providing that state laws do not supersede  
15 certain federal laws; requiring the Department  
16 of Children and Family Services to adopt rules;  
17 creating s. 39.0138, F.S.; requiring the  
18 department to conduct a criminal history  
19 records check of any person being considered as  
20 a prospective foster parent; prohibiting a  
21 court from placing a child with a person if the  
22 person's criminal history records check shows  
23 that the person was convicted of certain  
24 specified felonies; requiring a person to  
25 disclose to the department pending criminal  
26 proceedings; providing that a court may review  
27 the granting or denial of the placement of a  
28 child based upon a criminal offense; providing  
29 that the person seeking placement of a child  
30 has the burden of setting forth evidence that  
31 he or she will not endanger the child if

1 placement is allowed; amending s. 39.201, F.S. ;  
2 requiring that any person who knows or suspects  
3 that a child is in need of supervision and care  
4 and has no parent, legal custodian, or  
5 responsible adult relative immediately known  
6 and available to provide supervision and care,  
7 must report this information to the central  
8 abuse hotline of the Department of Children and  
9 Family Services; amending s. 39.301, F.S. ;  
10 providing that the department may rely upon a  
11 previous report to indicate that child abuse  
12 has occurred; redefining the term "criminal  
13 conduct" to include a child who is known or  
14 suspected to be a victim of human trafficking;  
15 requiring each child protective investigator to  
16 inform the person who is the subject of a child  
17 protective investigation that he or she has a  
18 duty to report any change in the residence or  
19 location of the child to the investigator and  
20 that the duty to report continues until the  
21 investigation is closed; providing that if the  
22 child has moved to a different residence or  
23 location, a report may be filed with a law  
24 enforcement agency under certain circumstances;  
25 amending 39.303, F.S. ; conforming provisions to  
26 changes made by the act; amending s. 39.402,  
27 F.S. ; requiring that a shelter hearing order  
28 contain specified information relating to the  
29 availability of services to prevent removal  
30 from the home; amending s. 39.507, F.S. ;  
31 requiring the court to inquire of the parents

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

1 | prehearing procedures; providing for permanency  
2 | hearings; directing the court to make certain  
3 | findings at the permanency hearing; creating s.  
4 | 39.6221, F.S.; providing for the permanent  
5 | guardianship for a dependent child; authorizing  
6 | the court to consider a permanent guardian as a  
7 | long-term option for a dependent child;  
8 | requiring a written order; providing for the  
9 | contents of the permanent guardianship order;  
10 | creating s. 39.6231, F.S.; providing for  
11 | placement with a fit and willing relative;  
12 | requiring the court to specify the reasons to  
13 | place a child with a relative; providing for  
14 | the department to supervise the placement for a  
15 | specified time period; creating s. 39.6241,  
16 | F.S.; authorizing the court to place a child in  
17 | another planned permanent living arrangement  
18 | under certain circumstances; amending s.  
19 | 39.701, F.S.; requiring that a child's current  
20 | health and education records be included in the  
21 | documentation for the judicial review report;  
22 | requiring the court to conduct a judicial  
23 | review 6 months after the child was placed in  
24 | shelter care; creating s. 39.8055, F.S.;  
25 | requiring the department to file a petition or  
26 | to join in a petition to terminate parental  
27 | rights within a specified number of days under  
28 | certain circumstances; providing exceptions;  
29 | providing examples of compelling reasons for  
30 | the department not to file or to join a  
31 | petition to terminate parental rights;

1 | authorizing the court to review the decision by  
2 | the department for not filing or joining a  
3 | petition for termination of parental rights;  
4 | amending s. 39.806, F.S.; authorizing a  
5 | material breach of the case plan as a ground to  
6 | terminate parental rights; requiring that the  
7 | department show, and the court find, the  
8 | material breach by clear and convincing  
9 | evidence; amending s. 39.810, F.S.; providing  
10 | certain factors for the court to consider for  
11 | the best interest of the child; amending s.  
12 | 39.811, F.S.; conforming provisions to changes  
13 | made by the act; amending ss. 39.0015, 39.205,  
14 | 39.302, 39.828, 63.092, and 419.001, F.S.;  
15 | correcting cross-references; reenacting s.  
16 | 39.802(5), F.S., relating to the filing of a  
17 | petition to terminate parental rights, to  
18 | incorporate the amendments made to s. 39.806,  
19 | F.S., in a reference thereto; repealing ss.  
20 | 39.601, 39.622, 39.623, 39.624, 39.703, and  
21 | 435.045, F.S., relating to case plan  
22 | requirements, long-term custody of a dependent  
23 | child, long-term licensed custody of a  
24 | dependent child, independent living, the  
25 | initiation of termination of parental rights  
26 | proceedings, and background screening of  
27 | certain persons before a dependent child is  
28 | placed in their home, respectively; providing  
29 | an effective date.

30 |  
31 | Be It Enacted by the Legislature of the State of Florida:

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

3 39.01 Definitions.--When used in this chapter, unless  
4 the context otherwise requires:

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

23 (2) "Abuse" means any willful act or threatened act  
24 that results in any physical, mental, or sexual injury or harm  
25 that causes or is likely to cause the child's physical,  
26 mental, or emotional health to be significantly impaired.  
27 Abuse of a child includes acts or omissions. Corporal  
28 discipline of a child by a parent or legal custodian for  
29 disciplinary purposes does not in itself constitute abuse when  
30 it does not result in harm to the child.

31

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

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

7           (5) "Adult" means any natural person other than a  
8 child.

9           (6) "Adoption" means the act of creating the legal  
10 relationship between parent and child where it did not exist,  
11 thereby declaring the child to be legally the child of the  
12 adoptive parents and their heir at law, and entitled to all  
13 the rights and privileges and subject to all the obligations  
14 of a child born to the ~~such~~ adoptive parents in lawful  
15 wedlock.

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

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

20           (b) A child who is alleged to have committed any  
21 violation of law or delinquent act involving juvenile sexual  
22 abuse. "Juvenile sexual abuse" means any sexual behavior which  
23 occurs without consent, without equality, or as a result of  
24 coercion. For purposes of this paragraph, the following  
25 definitions apply:

26           1. "Coercion" means the exploitation of authority or  
27 the use of bribes, threats of force, or intimidation to gain  
28 cooperation or compliance.

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

- 1           3. "Consent" means an agreement, including all of the  
2 following:  
3           a. Understanding what is proposed based on age,  
4 maturity, developmental level, functioning, and experience.  
5           b. Knowledge of societal standards for what is being  
6 proposed.  
7           c. Awareness of potential consequences and  
8 alternatives.  
9           d. Assumption that agreement or disagreement will be  
10 accepted equally.  
11           e. Voluntary decision.  
12           f. Mental competence.

13  
14 Juvenile sexual offender behavior ranges from noncontact  
15 sexual behavior such as making obscene phone calls,  
16 exhibitionism, voyeurism, and the showing or taking of lewd  
17 photographs to varying degrees of direct sexual contact, such  
18 as frottage, fondling, digital penetration, rape, fellatio,  
19 sodomy, and various other sexually aggressive acts.

20           (8) "Arbitration" means a process whereby a neutral  
21 third person or panel, called an arbitrator or an arbitration  
22 panel, considers the facts and arguments presented by the  
23 parties and renders a decision which may be binding or  
24 nonbinding.

25           (9) "Authorized agent" or "designee" of the department  
26 means an employee, volunteer, or other person or agency  
27 determined by the state to be eligible for state-funded risk  
28 management coverage, which ~~that~~ is assigned or designated by  
29 the department to perform duties or exercise powers under  
30 ~~pursuant to~~ this chapter.

31



1           (10) "Caregiver" means the parent, legal custodian,  
2 permanent guardian, adult household member, or other person  
3 responsible for a child's welfare as defined in subsection  
4 ~~(46)-(47)~~.

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

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

14           (13) "Child protection team" means a team of  
15 professionals established by the Department of Health to  
16 receive referrals from the protective investigators and  
17 protective supervision staff of the department and to provide  
18 specialized and supportive services to the program in  
19 processing child abuse, abandonment, or neglect cases. A child  
20 protection team shall provide consultation to other programs  
21 of the department and other persons regarding child abuse,  
22 abandonment, or neglect cases.

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

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

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

30           (c) To have been voluntarily placed with a licensed  
31 child-caring agency, a licensed child-placing agency, an adult

1 relative, the department, or the former Department of Health  
2 and Rehabilitative Services, after which placement, under the  
3 requirements of this chapter, a case plan has expired and the  
4 parent or parents or legal custodians have failed to  
5 substantially comply with the requirements of the plan;

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

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

12 (f) To be at substantial risk of imminent abuse,  
13 abandonment, or neglect by the parent or parents or legal  
14 custodians.

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

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

21 (17) "Comprehensive assessment" or "assessment" means  
22 the gathering of information for the evaluation of a child's  
23 and caregiver's physical, psychiatric, psychological or mental  
24 health, educational, vocational, and social condition and  
25 family environment as they relate to the child's and  
26 caregiver's need for rehabilitative and treatment services,  
27 including substance abuse treatment services, mental health  
28 services, developmental services, literacy services, medical  
29 services, family services, and other specialized services, as  
30 appropriate.

31

1           ~~(18)~~ "Concurrent planning" means establishing a  
2 permanency goal in a case plan that uses reasonable efforts to  
3 reunify the child with the parent, while at the same time  
4 establishing another goal that must be one of the following  
5 options:

6           ~~(a)~~ Adoption when a petition for termination of  
7 parental rights has been filed or will be filed;

8           ~~(b)~~ Permanent guardianship of a dependent child under  
9 s. 39.6221;

10           ~~(c)~~ Permanent placement with a fit and willing  
11 relative under s. 39.6231; or

12           ~~(d)~~ Placement in another planned permanent living  
13 arrangement under s. 39.6241.

14           ~~(19)~~~~(18)~~ "Court," unless otherwise expressly stated,  
15 means the circuit court assigned to exercise jurisdiction  
16 under this chapter.

17           ~~(20)~~~~(19)~~ "Department" means the Department of Children  
18 and Family Services.

19           ~~(21)~~~~(20)~~ "Diligent efforts by a parent" means a course  
20 of conduct which results in a reduction in risk to the child  
21 in the child's home that would allow the child to be safely  
22 placed permanently back in the home as set forth in the case  
23 plan.

24           ~~(22)~~~~(21)~~ "Diligent efforts of social service agency"  
25 means reasonable efforts to provide social services or  
26 reunification services made by any social service agency that  
27 is a party to a case plan.

28           ~~(23)~~~~(22)~~ "Diligent search" means the efforts of a  
29 social service agency to locate a parent or prospective parent  
30 whose identity or location is unknown, initiated as soon as  
31 the social service agency is made aware of the existence of

1 such parent, with the search progress reported at each court  
2 hearing until the parent is either identified and located or  
3 the court excuses further search.

4 ~~(24)~~(23) "Disposition hearing" means a hearing in  
5 which the court determines the most appropriate protections,  
6 services, and placement for the child in dependency cases.

7 ~~(25)~~(24) "District" means any one of the 15 service  
8 districts of the department established pursuant to s. 20.19.

9 ~~(26)~~(25) "District administrator" means the chief  
10 operating officer of each service district of the department  
11 as defined in s. 20.19(5) and, where appropriate, includes any  
12 district administrator whose service district falls within the  
13 boundaries of a judicial circuit.

14 ~~(27)~~(26) "Expedited termination of parental rights"  
15 means proceedings wherein a case plan with the goal of  
16 reunification is not being offered.

17 ~~(28)~~(27) "False report" means a report of abuse,  
18 neglect, or abandonment of a child to the central abuse  
19 hotline, which report is maliciously made for the purpose of:

- 20 (a) Harassing, embarrassing, or harming another  
21 person;  
22 (b) Personal financial gain for the reporting person;  
23 (c) Acquiring custody of a child; or  
24 (d) Personal benefit for the reporting person in any  
25 other private dispute involving a child.

26  
27 The term "false report" does not include a report of abuse,  
28 neglect, or abandonment of a child made in good faith to the  
29 central abuse hotline.

30  
31

1           ~~(29)~~(28) "Family" means a collective body of persons,  
2 consisting of a child and a parent, legal custodian, or adult  
3 relative, in which:

4           (a) The persons reside in the same house or living  
5 unit; or

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

9           ~~(30)~~(29) "Foster care" means care provided a child in  
10 a foster family or boarding home, group home, agency boarding  
11 home, child care institution, or any combination thereof.

12           ~~(31)~~(30) "Harm" to a child's health or welfare can  
13 occur when any person:

14           (a) Inflicts or allows to be inflicted upon the child  
15 physical, mental, or emotional injury. In determining whether  
16 harm has occurred, the following factors must be considered in  
17 evaluating any physical, mental, or emotional injury to a  
18 child: the age of the child; any prior history of injuries to  
19 the child; the location of the injury on the body of the  
20 child; the multiplicity of the injury; and the type of trauma  
21 inflicted. Such injury includes, but is not limited to:

22           1. Willful acts that produce the following specific  
23 injuries:

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

- 1           h. Cuts, lacerations, punctures, or bites.
- 2           i. Permanent or temporary disfigurement.
- 3           j. Permanent or temporary loss or impairment of a body
- 4 part or function.

5  
6 As used in this subparagraph, the term "willful" refers to the  
7 intent to perform an action, not to the intent to achieve a  
8 result or to cause an injury.

9           2. Purposely giving a child poison, alcohol, drugs, or  
10 other substances that substantially affect the child's  
11 behavior, motor coordination, or judgment or that result in  
12 sickness or internal injury. For the purposes of this  
13 subparagraph, the term "drugs" means prescription drugs not  
14 prescribed for the child or not administered as prescribed,  
15 and controlled substances as outlined in Schedule I or  
16 Schedule II of s. 893.03.

17           3. Leaving a child without adult supervision or  
18 arrangement appropriate for the child's age or mental or  
19 physical condition, so that the child is unable to care for  
20 the child's own needs or another's basic needs or is unable to  
21 exercise good judgment in responding to any kind of physical  
22 or emotional crisis.

23           4. Inappropriate or excessively harsh disciplinary  
24 action that is likely to result in physical injury, mental  
25 injury as defined in this section, or emotional injury. The  
26 significance of any injury must be evaluated in light of the  
27 following factors: the age of the child; any prior history of  
28 injuries to the child; the location of the injury on the body  
29 of the child; the multiplicity of the injury; and the type of  
30 trauma inflicted. Corporal discipline may be considered

31

1 excessive or abusive when it results in any of the following  
2 or other similar injuries:

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

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

19 (c) Allows, encourages, or forces the sexual  
20 exploitation of a child, which includes allowing, encouraging,  
21 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 (d) Exploits a child, or allows a child to be  
26 exploited, as provided in s. 450.151.

27 (e) Abandons the child. Within the context of the  
28 definition of "harm," the term "abandons the child" means that  
29 the parent or legal custodian of a child or, in the absence of  
30 a parent or legal custodian, the person responsible for the  
31 child's welfare, while being able, makes no provision for the

1 child's support and makes no effort to communicate with the  
2 child, which situation is sufficient to evince a willful  
3 rejection of parental obligation. If the efforts of the such  
4 ~~a~~ parent or legal custodian or person primarily responsible  
5 for the child's welfare to support and communicate with the  
6 child are only marginal efforts that do not evince a settled  
7 purpose to assume all parental duties, the child may be  
8 determined to have been abandoned. The term "abandoned" does  
9 not include an abandoned newborn infant as described in s.  
10 383.50.

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

- 22 1. Eliminate the requirement that such a case be  
23 reported to the department;
- 24 2. Prevent the department from investigating such a  
25 case; or
- 26 3. Preclude a court from ordering, when the health of  
27 the child requires it, the provision of medical services by a  
28 physician, as defined in this section, or treatment by a duly  
29 accredited practitioner who relies solely on spiritual means  
30 for healing in accordance with the tenets and practices of a  
31 well-recognized church or religious organization.



1 (g) Exposes a child to a controlled substance or  
2 alcohol. Exposure to a controlled substance or alcohol is  
3 established by:

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

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

10

11 As used in this paragraph, the term "controlled substance"  
12 means prescription drugs not prescribed for the parent or not  
13 administered as prescribed and controlled substances as  
14 outlined in Schedule I or Schedule II of s. 893.03.

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

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

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

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

25 (l) Makes the child unavailable for the purpose of  
26 impeding or avoiding a protective investigation unless the  
27 court determines that the parent, legal custodian, or  
28 caregiver was fleeing from a situation involving domestic  
29 violence.

30 ~~(32)~~~~(31)~~ "Institutional child abuse or neglect" means  
31 situations of known or suspected child abuse or neglect in

1 | which the person allegedly perpetrating the child abuse or  
2 | neglect is an employee of a private school, public or private  
3 | day care center, residential home, institution, facility, or  
4 | agency or any other person at such institution responsible for  
5 | the child's care.

6 |       ~~(33)~~(32) "Judge" means the circuit judge exercising  
7 | jurisdiction pursuant to this chapter.

8 |       ~~(34)~~(33) "Legal custody" means a legal status created  
9 | by a court ~~order or letter of guardianship~~ which vests in a  
10 | custodian of the person or guardian, whether an agency or an  
11 | individual, the right to have physical custody of the child  
12 | and the right and duty to protect, nurture, guide ~~train~~, and  
13 | discipline the child and to provide him or her with food,  
14 | shelter, education, and ordinary medical, dental, psychiatric,  
15 | and psychological care. ~~The legal custodian is the person or~~  
16 | ~~entity in whom the legal right to custody is vested. For~~  
17 | ~~purposes of this chapter only, when the phrase "parent or~~  
18 | ~~legal custodian" is used, it refers to rights or~~  
19 | ~~responsibilities of the parent and, only if there is no living~~  
20 | ~~parent with intact parental rights, to the rights or~~  
21 | ~~responsibilities of the legal custodian who has assumed the~~  
22 | ~~role of the parent.~~

23 |       ~~(34)~~ "Legal guardianship" means a judicially created  
24 | ~~relationship between the child and caregiver which is intended~~  
25 | ~~to be permanent and self sustaining and is provided pursuant~~  
26 | ~~to the procedures in chapter 744.~~

27 |       (35) "Licensed child-caring agency" means a person,  
28 | society, association, or agency licensed by the department to  
29 | care for, receive, and board children.

30 |       (36) "Licensed child-placing agency" means a person,  
31 | society, association, or institution licensed by the

1 department to care for, receive, or board children and to  
2 place children in a licensed child-caring institution or a  
3 foster or adoptive home.

4 (37) "Licensed health care professional" means a  
5 physician licensed under chapter 458, an osteopathic physician  
6 licensed under chapter 459, a nurse licensed under part I of  
7 chapter 464, a physician assistant licensed under chapter 458  
8 or chapter 459, or a dentist licensed under chapter 466.

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

14 (39) "Likely to injure others" means that it is more  
15 likely than not that within a 24-hour period the child will  
16 inflict serious and unjustified bodily harm on another person.

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

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

26 ~~Long term custody confers upon the relative or other legal  
27 custodian, other than the department, the right to physical  
28 custody of the child, a right which will not be disturbed by  
29 the court except upon request of the legal custodian or upon a  
30 showing that the best interest of the child necessitates a  
31 change of custody for the child. A relative or other legal~~

1 ~~custodian who has been designated as a long term custodian~~  
2 ~~shall have all of the rights and duties of a parent,~~  
3 ~~including, but not limited to, the right and duty to protect,~~  
4 ~~train, and discipline the child and to provide the child with~~  
5 ~~food, shelter, and education, and ordinary medical, dental,~~  
6 ~~psychiatric, and psychological care, unless these rights and~~  
7 ~~duties are otherwise enlarged or limited by the court order~~  
8 ~~establishing the long term custodial relationship.~~

9       ~~(40)(42)~~ "Mediation" means a process whereby a neutral  
10 third person called a mediator acts to encourage and  
11 facilitate the resolution of a dispute between two or more  
12 parties. It is an informal and nonadversarial process with  
13 the objective of helping the disputing parties reach a  
14 mutually acceptable and voluntary agreement. The role of the  
15 mediator includes, but is not limited to, assisting the  
16 parties in identifying issues, fostering joint problem  
17 solving, and exploring settlement alternatives.

18       ~~(41)(43)~~ "Mental injury" means an injury to the  
19 intellectual or psychological capacity of a child as evidenced  
20 by a discernible and substantial impairment in the ability to  
21 function within the normal range of performance and behavior.

22       ~~(42)(44)~~ "Necessary medical treatment" means care  
23 which is necessary within a reasonable degree of medical  
24 certainty to prevent the deterioration of a child's condition  
25 or to alleviate immediate pain of a child.

26       ~~(43)(45)~~ "Neglect" occurs when a child is deprived of,  
27 or is allowed to be deprived of, necessary food, clothing,  
28 shelter, or medical treatment or a child is permitted to live  
29 in an environment when such deprivation or environment causes  
30 the child's physical, mental, or emotional health to be  
31 significantly impaired or to be in danger of being

1 significantly impaired. The foregoing circumstances shall not  
2 be considered neglect if caused primarily by financial  
3 inability unless actual services for relief have been offered  
4 to and rejected by such person. A parent or legal custodian  
5 legitimately practicing religious beliefs in accordance with a  
6 recognized church or religious organization who thereby does  
7 not provide specific medical treatment for a child ~~may shall~~  
8 not, for that reason alone, be considered a negligent parent  
9 or legal custodian; however, such an exception does not  
10 preclude a court from ordering the following services to be  
11 provided, when the health of the child so requires:

12 (a) Medical services from a licensed physician,  
13 dentist, optometrist, podiatric physician, or other qualified  
14 health care provider; or

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

19  
20 Neglect of a child includes acts or omissions.

21 ~~(44)(46)~~ "Next of kin" means an adult relative of a  
22 child who is the child's brother, sister, grandparent, aunt,  
23 uncle, or first cousin.

24 ~~(45)(47)~~ "Other person responsible for a child's  
25 welfare" includes the child's legal guardian, ~~legal custodian,~~  
26 or foster parent; an employee of a private school, public or  
27 private child day care center, residential home, institution,  
28 facility, or agency; or any other person legally responsible  
29 for the child's welfare in a residential setting; and also  
30 includes an adult sitter or relative entrusted with a child's  
31 care. For the purpose of departmental investigative

1 jurisdiction, this definition does not include law enforcement  
2 officers, or employees of municipal or county detention  
3 facilities or the Department of Corrections, while acting in  
4 an official capacity.

5 ~~(46)(48)~~ "Out-of-home" means a placement outside of  
6 the home of the parents or a parent.

7 ~~(47)(49)~~ "Parent" means a woman who gives birth to a  
8 child and a man whose consent to the adoption of the child  
9 would be required under s. 63.062(1). If a child has been  
10 legally adopted, the term "parent" means the adoptive mother  
11 or father of the child. The term does not include an  
12 individual whose parental relationship to the child has been  
13 legally terminated, or an alleged or prospective parent,  
14 unless the parental status falls within the terms of s.  
15 39.503(1) or s. 63.062(1). For purposes of this chapter only,  
16 when the phrase "parent or legal custodian" is used, it refers  
17 to rights or responsibilities of the parent and, only if there  
18 is no living parent with intact parental rights, to the rights  
19 or responsibilities of the legal custodian who has assumed the  
20 role of the parent.

21 ~~(48)(50)~~ "Participant," for purposes of a shelter  
22 proceeding, dependency proceeding, or termination of parental  
23 rights proceeding, means any person who is not a party but who  
24 should receive notice of hearings involving the child,  
25 including the actual custodian of the child, the foster  
26 parents or the legal custodian of the child, identified  
27 prospective parents, ~~grandparents entitled to priority for~~  
28 ~~adoption consideration under s. 63.0425, actual custodians of~~  
29 ~~the child,~~ and any other person whose participation may be in  
30 the best interest of the child. A community-based agency under  
31 contract with the department to provide protective services

1 may be designated as a participant at the discretion of the  
2 court. Participants may be granted leave by the court to be  
3 heard without the necessity of filing a motion to intervene.

4 ~~(49)(51)~~ "Party" means the parent or parents of the  
5 child, the petitioner, the department, the guardian ad litem  
6 or the representative of the guardian ad litem program when  
7 the program has been appointed, and the child. The presence of  
8 the child may be excused by order of the court when presence  
9 would not be in the child's best interest. Notice to the child  
10 may be excused by order of the court when the age, capacity,  
11 or other condition of the child is such that the notice would  
12 be meaningless or detrimental to the child.

13 (50) "Permanency goal" means the living arrangement  
14 identified for the child to return to or identified as the  
15 permanent living arrangement of the child. Permanency goals  
16 applicable under this chapter, listed in order of preference,  
17 are:

18 (a) Reunification;

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

21 (c) Permanent guardianship of a dependent child under  
22 s. 39.6221;

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

25 (e) Placement in another planned permanent living  
26 arrangement under s. 39.6241.

27  
28 The permanency goal is also the case plan goal. If concurrent  
29 case planning is being used, reunification may be pursued at  
30 the same time that another permanency goal is pursued.

31

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

3           (53) "Permanent guardian" means the relative or other  
4 adult in a permanent guardianship of a dependent child under  
5 s. 39.6221.

6           (54) "Permanent guardianship of a dependent child"  
7 means a legal relationship that a court creates under s.  
8 39.6221 between a child and a relative or other adult approved  
9 by the court which is intended to be permanent and  
10 self-sustaining through the transfer of parental rights with  
11 respect to the child relating to protection, education, care  
12 and control of the person, custody of the person, and  
13 decisionmaking on behalf of the child.

14           ~~(55)~~~~(52)~~ "Physical injury" means death, permanent or  
15 temporary disfigurement, or impairment of any bodily part.

16           ~~(56)~~~~(53)~~ "Physician" means any licensed physician,  
17 dentist, podiatric physician, or optometrist and includes any  
18 intern or resident.

19           ~~(57)~~~~(54)~~ "Preliminary screening" means the gathering  
20 of preliminary information to be used in determining a child's  
21 need for further evaluation or assessment or for referral for  
22 other substance abuse services through means such as  
23 psychosocial interviews; urine and breathalyzer screenings;  
24 and reviews of available educational, delinquency, and  
25 dependency records of the child.

26           ~~(58)~~~~(55)~~ "Preventive services" means social services  
27 and other supportive and rehabilitative services provided to  
28 the parent or legal custodian of the child and to the child  
29 for the purpose of averting the removal of the child from the  
30 home or disruption of a family which will or could result in  
31 the placement of a child in foster care. Social services and



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

5 ~~(59)~~~~(56)~~ "Prospective parent" means a person who  
6 claims to be, or has been identified as, a person who may be a  
7 mother or a father of a child.

8 ~~(60)~~~~(57)~~ "Protective investigation" means the  
9 acceptance of a report alleging child abuse, abandonment, or  
10 neglect, as defined in this chapter, by the central abuse  
11 hotline or the acceptance of a report of other dependency by  
12 the department; the investigation of each report; the  
13 determination of whether action by the court is warranted; the  
14 determination of the disposition of each report without court  
15 or public agency action when appropriate; and the referral of  
16 a child to another public or private agency when appropriate.

17 ~~(61)~~~~(58)~~ "Protective investigator" means an authorized  
18 agent of the department who receives and investigates reports  
19 of child abuse, abandonment, or neglect; who, as a result of  
20 the investigation, may recommend that a dependency petition be  
21 filed for the child; and who performs other duties necessary  
22 to carry out the required actions of the protective  
23 investigation function.

24 ~~(62)~~~~(59)~~ "Protective supervision" means a legal status  
25 in dependency cases which permits the child to remain safely  
26 in his or her own home or other nonlicensed placement under  
27 the supervision of an agent of the department and which must  
28 be reviewed by the court during the period of supervision.

29 ~~(63)~~~~(60)~~ "Relative" means a grandparent,  
30 great-grandparent, sibling, first cousin, aunt, uncle,  
31 great-aunt, great-uncle, niece, or nephew, whether related by

1 the whole or half blood, by affinity, or by adoption. The term  
2 does not include a stepparent.

3 ~~(64)~~(61) "Reunification services" means social  
4 services and other supportive and rehabilitative services  
5 provided to the parent of the child, to the child, and, where  
6 appropriate, to the relative placement, nonrelative placement,  
7 or foster parents of the child, for the purpose of enabling a  
8 child who has been placed in out-of-home care to safely return  
9 to his or her parent at the earliest possible time. The  
10 health and safety of the child shall be the paramount goal of  
11 social services and other supportive and rehabilitative  
12 services. ~~The Such~~ services shall promote the child's need for  
13 physical, mental, and emotional health and a safe, stable,  
14 living environment, shall promote family autonomy, and shall  
15 strengthen family life, whenever possible.

16 ~~(65)~~(62) "Secretary" means the Secretary of Children  
17 and Family Services.

18 ~~(66)~~(63) "Sexual abuse of a child" means one or more  
19 of the following acts:

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

23 (b) Any sexual contact between the genitals or anal  
24 opening of one person and the mouth or tongue of another  
25 person.

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

30 (d) The intentional touching of the genitals or  
31 intimate parts, including the breasts, genital area, groin,

1 inner thighs, and buttocks, or the clothing covering them, of  
2 either the child or the perpetrator, except that this does not  
3 include:

4 1. Any act which may reasonably be construed to be a  
5 normal caregiver responsibility, any interaction with, or  
6 affection for a child; or

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

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

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

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

18 1. Solicit for or engage in prostitution; or

19 2. Engage in a sexual performance, as defined by  
20 chapter 827.

21 ~~(67)~~~~(64)~~ "Shelter" means a placement with a relative  
22 or a nonrelative, or in a licensed home or facility, for the  
23 temporary care of a child who is alleged to be or who has been  
24 found to be dependent, pending court disposition before or  
25 after adjudication.

26 ~~(68)~~~~(65)~~ "Shelter hearing" means a hearing in which  
27 the court determines whether probable cause exists to keep a  
28 child in shelter status pending further investigation of the  
29 case.

30  
31

1           ~~(69)~~~~(66)~~ "Social service agency" means the department,  
2 a licensed child-caring agency, or a licensed child-placing  
3 agency.

4           ~~(70)~~~~(67)~~ "Substance abuse" means using, without  
5 medical reason, any psychoactive or mood-altering drug,  
6 including alcohol, in such a manner as to induce impairment  
7 resulting in dysfunctional social behavior.

8           ~~(71)~~~~(68)~~ "Substantial compliance" means that the  
9 circumstances which caused the creation of the case plan have  
10 been significantly remedied to the extent that the well-being  
11 and safety of the child will not be endangered upon the  
12 child's remaining with or being returned to the child's  
13 parent.

14           ~~(72)~~~~(69)~~ "Taken into custody" means the status of a  
15 child immediately when temporary physical control over the  
16 child is attained by a person authorized by law, pending the  
17 child's release or placement.

18           ~~(73)~~~~(70)~~ "Temporary legal custody" means the  
19 relationship that a ~~juvenile~~ court creates between a child and  
20 an adult relative of the child, legal custodian, agency, or  
21 other person approved by the court until a more permanent  
22 arrangement is ordered. Temporary legal custody confers upon  
23 the custodian the right to have temporary physical custody of  
24 the child and the right and duty to protect, nurture, guide  
25 ~~train~~, and discipline the child and to provide the child with  
26 food, shelter, and education, and ordinary medical, dental,  
27 psychiatric, and psychological care, unless these rights and  
28 duties are otherwise enlarged or limited by the court order  
29 establishing the temporary legal custody relationship.

30           ~~(74)~~~~(71)~~ "Victim" means any child who has sustained or  
31 is threatened with physical, mental, or emotional injury

1 identified in a report involving child abuse, neglect, or  
2 abandonment, or child-on-child sexual abuse.

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

9 Section 2. Subsection (15) is added to section  
10 39.0121, Florida Statutes, to read:

11 39.0121 Specific rulemaking authority.--Pursuant to  
12 the requirements of s. 120.536, the department is specifically  
13 authorized to adopt, amend, and repeal administrative rules  
14 which implement or interpret law or policy, or describe the  
15 procedure and practice requirements necessary to implement  
16 this chapter, including, but not limited to, the following:

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

22 Section 3. Section 39.013, Florida Statutes, is  
23 amended to read:

24 39.013 Procedures and jurisdiction; right to  
25 counsel.--

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

1 at each stage of the dependency proceedings. Parents who are  
2 unable to afford counsel must be appointed counsel.

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

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

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

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

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 Criminal history records check; limit on  
24 placement of a child.--

25 (1) The department shall conduct a criminal history  
26 records check for all persons being considered by the  
27 department for approval for placement of a child subject to a  
28 placement decision under this chapter. For purposes of this  
29 section, a criminal history records check may include, but is  
30 not limited to, submission of fingerprints to the Department  
31 of Law Enforcement for processing and forwarding to the

1 Federal Bureau of Investigation for state and national  
2 criminal history information, and local criminal records  
3 checks through local law enforcement agencies.

4 (2) The department may not place a child with a person  
5 other than a parent if the criminal history records check  
6 reveals that the person has been convicted of any felony that  
7 falls within any of the following categories:

8 (a) Child abuse, abandonment, or neglect;

9 (b) Domestic violence;

10 (c) Child pornography or other felony in which a child  
11 was a victim of the offense; or

12 (d) Homicide, sexual battery, or other felony  
13 involving violence, other than felony assault or felony  
14 battery when an adult was the victim of the assault or  
15 battery.

16 (3) The department may not place a child with a person  
17 other than a parent if the criminal history records check  
18 reveals that the person has, within the previous 5 years, been  
19 convicted of a felony that falls within any of the following  
20 categories:

21 (a) Assault;

22 (b) Battery; or

23 (c) A drug-related offense.

24 (4) The department may place a child in a home that  
25 otherwise meets placement requirements if a name check of  
26 state and local criminal history records systems does not  
27 disqualify the applicant and if the department submits  
28 fingerprints to the Department of Law Enforcement for  
29 forwarding to the Federal Bureau of Investigation and is  
30 awaiting the results of the state and national criminal  
31 history records check.

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

5       (6) The department may examine the results of any  
6 criminal history records check of any person, including a  
7 parent, with whom placement of a child is being considered  
8 under this section. The complete criminal history records  
9 check must be considered when determining whether placement  
10 with the person will jeopardize the safety of the child being  
11 placed.

12       (7)(a) The court may review a decision of the  
13 department to grant or deny the placement of a child based  
14 upon information from the criminal history records check. The  
15 review may be upon the motion of any party, the request of any  
16 person who has been denied a placement by the department, or  
17 on the court's own motion. The court shall prepare written  
18 findings to support its decision in this matter.

19       (b) A person who is seeking placement of a child but  
20 is denied the placement because of the results of a criminal  
21 history records check has the burden of setting forth  
22 sufficient evidence of rehabilitation to show that the person  
23 will not present a danger to the child if the placement of the  
24 child is allowed. Evidence of rehabilitation may include, but  
25 is not limited to, the circumstances surrounding the incident  
26 providing the basis for denying the application, the time  
27 period that has elapsed since the incident, the nature of the  
28 harm caused to the victim, whether the victim was a child, the  
29 history of the person since the incident, whether the person  
30 has complied with any requirement to pay restitution, and any  
31 other evidence or circumstances indicating that the person

1 will not present a danger to the child if the placement of the  
2 child is allowed.

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

6 39.201 Mandatory reports of child abuse, abandonment,  
7 or neglect; mandatory reports of death; central abuse  
8 hotline.--

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

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

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1 | accepted for the protective investigation pursuant to part III  
2 | of this chapter.

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

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

4           39.301 Initiation of protective investigations.--

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

26           (2)(a) The department shall immediately forward  
27 allegations of criminal conduct to the municipal or county law  
28 enforcement agency of the municipality or county in which the  
29 alleged conduct has occurred.

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

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

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

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

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

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

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

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

26           (d) The local law enforcement agreement required in s.  
27 39.306 shall describe the specific local protocols for  
28 implementing this section.

29           (5)(a) Upon commencing an investigation under this  
30 part, the child protective investigator shall inform any  
31 subject of the investigation of the following:

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

3           2. The purpose of the investigation.

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

6           4. The possible outcomes and services of the  
7 department's response shall be explained to the parent or  
8 legal custodian.

9           5. The right of the parent or legal custodian to be  
10 involved to the fullest extent possible in determining the  
11 nature of the allegation and the nature of any identified  
12 problem.

13           6. The duty of the parent or legal custodian to report  
14 any change in the residence or location of the child to the  
15 investigator and that the duty to report continues until the  
16 investigation is closed.

17           (b) The department's training program shall ensure  
18 that protective investigators know how to fully inform parents  
19 or legal custodians of their rights and options, including  
20 opportunities for audio or video recording of investigators'  
21 interviews with parents or legal custodians or children.

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

1 what the known risk is to the child at any stage of a  
2 child-protection proceeding.

3 (23) If, after having been notified of the requirement  
4 to report a change in residence or location of the child to  
5 the protective investigator, a parent or legal custodian  
6 causes the child to move, or allows the child to be moved, to  
7 a different residence or location, or if the child leaves the  
8 residence on his or her own accord and the parent or legal  
9 custodian does not notify the protective investigator of the  
10 move within 2 business days, the child may be considered to be  
11 a missing child for the purposes of filing a report with a law  
12 enforcement agency under s. 937.021.

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

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

1 with the Secretary of Children and Family Services, shall  
2 maintain the responsibility for the screening, employment,  
3 and, if necessary, the termination of child protection team  
4 medical directors, at headquarters and in the 15 districts.  
5 Child protection team medical directors shall be responsible  
6 for oversight of the teams in the districts.

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

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

15 (b) Bruises anywhere on a child 5 years of age or  
16 under.

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

20 (d) Any sexually transmitted disease in a prepubescent  
21 child.

22 (e) Reported malnutrition of a child and failure of a  
23 child to thrive.

24 (f) Reported medical neglect of a child.

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

30

31

1 (h) Symptoms of serious emotional problems in a child  
2 when emotional or other abuse, abandonment, or neglect is  
3 suspected.

4 Section 10. Subsections (10) and (16) of section  
5 39.402, Florida Statutes, are amended, and subsections (17)  
6 and (18) are added to that section, to read:

7 39.402 Placement in a shelter.--

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

16 (b) If services are not available to prevent or  
17 eliminate the need for removal or continued removal of the  
18 child from the home, the written determination must also  
19 contain an explanation describing why the services are not  
20 available for the child.

21 (c) If the department has not made ~~such~~ an effort to  
22 prevent or eliminate the need for removal, the court shall  
23 order the department to provide appropriate and available  
24 services to ensure the protection of the child in the home  
25 when the ~~such~~ services are necessary for the child's health  
26 and safety.

27 (16) At the conclusion of a shelter hearing, the court  
28 shall notify all parties in writing of the next scheduled  
29 hearing to review the shelter placement. The ~~Such~~ hearing  
30 shall be held no later than 30 days after placement of the  
31 child in shelter status, in conjunction with the arraignment

1 hearing, and at such times as are otherwise provided by law or  
2 determined by the court to be necessary.

3 (17) At the shelter hearing, the court shall inquire  
4 of the parent whether the parent has relatives who might be  
5 considered as a placement for the child. The parent shall  
6 provide to the court and all parties identification and  
7 location information regarding the relatives. The court shall  
8 advise the parent that the parent has a continuing duty to  
9 inform the department of any relative who should be considered  
10 for placement of the child.

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

15 Section 11. Present subsections (7) and (8) of section  
16 39.507, Florida Statutes, are redesignated as subsections (8)  
17 and (9), respectively, and a new subsection (7) is added to  
18 that section, to read:

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

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

31



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

4           39.5085 Relative Caregiver Program.--

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

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

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

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

31

1           2. Relatives who are within the fifth degree by blood  
2 or marriage to the parent or stepparent of a child and who are  
3 caring full-time for that dependent child, and a dependent  
4 half-brother or half-sister of that dependent child, in the  
5 role of substitute parent as a result of a court's  
6 determination of child abuse, neglect, or abandonment and  
7 subsequent placement with the relative under ~~pursuant to~~ this  
8 chapter.

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

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

22           Section 13. Paragraph (d) of subsection (1) of section  
23 39.521, Florida Statutes, is amended to read:

24           39.521 Disposition hearings; powers of disposition.--

25           (1) A disposition hearing shall be conducted by the  
26 court, if the court finds that the facts alleged in the  
27 petition for dependency were proven in the adjudicatory  
28 hearing, or if the parents or legal custodians have consented  
29 to the finding of dependency or admitted the allegations in  
30 the petition, have failed to appear for the arraignment

31

1 hearing after proper notice, or have not been located despite  
2 a diligent search having been conducted.

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

- 5 1. The placement or custody of the child.
- 6 2. Special conditions of placement and visitation.
- 7 3. Evaluation, counseling, treatment activities, and  
8 other actions to be taken by the parties, if ordered.
- 9 4. The persons or entities responsible for supervising  
10 or monitoring services to the child and parent.
- 11 5. Continuation or discharge of the guardian ad litem,  
12 as appropriate.
- 13 6. The date, time, and location of the next scheduled  
14 review hearing, which must occur within the earlier of:
  - 15 a. Ninety days after the disposition hearing;
  - 16 b. Ninety days after the court accepts the case plan;
  - 17 c. Six months after the date of the last review  
18 hearing; or
  - 19 d. Six months after the date of the child's removal  
20 from his or her home, if no review hearing has been held since  
21 the child's removal from the home.
- 22 7. If the child is in an out-of-home placement, child  
23 support to be paid by the parents, or the guardian of the  
24 child's estate if possessed of assets which under law may be  
25 disbursed for the care, support, and maintenance of the child.  
26 The court may exercise jurisdiction over all child support  
27 matters, shall adjudicate the financial obligation, including  
28 health insurance, of the child's parents or guardian, and  
29 shall enforce the financial obligation as provided in chapter  
30 61. The state's child support enforcement agency shall enforce  
31 child support orders under this section in the same manner as

1 child support orders under chapter 61. Placement of the child  
2 shall not be contingent upon issuance of a support order.

3 8.a. If the court does not commit the child to the  
4 temporary legal custody of an adult relative, legal custodian,  
5 or other adult approved by the court, the disposition order  
6 shall include the reasons for such a decision and shall  
7 include a determination as to whether diligent efforts were  
8 made by the department to locate an adult relative, legal  
9 custodian, or other adult willing to care for the child in  
10 order to present that placement option to the court instead of  
11 placement with the department.

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

22  
23 For the purposes of this section ~~subparagraph~~, "diligent  
24 efforts to locate an adult relative" means a search similar to  
25 the diligent search for a parent, but without the continuing  
26 obligation to search after an initial adequate search is  
27 completed.

28 9. Other requirements necessary to protect the health,  
29 safety, and well-being of the child, to preserve the stability  
30 of the child's educational placement, and to promote family  
31 preservation or reunification whenever possible.

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

3           39.522 Postdisposition change of custody.--The court  
4 may change the temporary legal custody or the conditions of  
5 protective supervision at a postdisposition hearing, without  
6 the necessity of another adjudicatory hearing.

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

28           Section 15. Section 39.6011, Florida Statutes, is  
29 created to read:

30           39.6011 Case plan development.--  
31

1       (1) The department shall prepare a draft of the case  
2 plan for each child receiving services under this chapter. A  
3 parent of a child may not be threatened or coerced with the  
4 loss of custody or parental rights for failing to admit in the  
5 case plan of abusing, neglecting, or abandoning a child.  
6 Participating in the development of a case plan is not an  
7 admission to any allegation of abuse, abandonment, or neglect,  
8 and it is not a consent to a finding of dependency or  
9 termination of parental rights. The case plan shall be  
10 developed subject to the following requirements:

11       (a) The case plan must be developed in a face-to-face  
12 conference with the parent of the child, any court-appointed  
13 guardian ad litem, and, if appropriate, the child and the  
14 temporary custodian of the child.

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

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

1 termination of parental rights, enter into a case plan and  
2 that he or she may request judicial review of any provision of  
3 the case plan with which he or she disagrees at any court  
4 hearing set for the child.

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

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

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

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

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

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

30 (3) The case plan must be signed by all parties,  
31 except that the signature of a child may be waived if the

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

15 (4) The case plan must describe:

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

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

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

31



1 independently of any determination of indigency under s.  
2 39.013.

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

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

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

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

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

29 2. In each case in which a child has been placed in  
30 out-of-home care, a case plan must be prepared within 60 days  
31 after the department removes the child from the home and shall

1 be submitted to the court before the disposition hearing for  
2 the court to review and approve.

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

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

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

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

20 39.6012 Case plan tasks; services.--

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

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

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

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

7 1. The type of services or treatment.

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

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

13 4. The frequency of services or treatment provided.

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

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

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

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

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

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

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

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

- 6 1. The names and addresses of the child's health,  
7 mental health, and educational providers;
- 8 2. The child's grade-level performance;
- 9 3. The child's school record;
- 10 4. Assurances that the child's placement takes into  
11 account proximity to the school in which the child is enrolled  
12 at the time of placement;
- 13 5. A record of the child's immunizations;
- 14 6. The child's known medical history, including any  
15 known problems;
- 16 7. The child's medications, if any; and
- 17 8. Any other relevant health, mental health, and  
18 education information concerning the child.

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

- 21 (a) A description of the type of placement in which  
22 the child is to be living.
- 23 (b) A description of the parent's visitation rights  
24 and obligations and the plan for sibling visitation if the  
25 child has siblings and is separated from them.
- 26 (c) When appropriate, for a child who is 13 years of  
27 age or older, a written description of the programs and  
28 services that will help the child prepare for the transition  
29 from foster care to independent living.
- 30 (d) A discussion of the safety and the appropriateness  
31 of the child's placement, which placement is intended to be

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

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

7 39.6013 Case plan amendments.--

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

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

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

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

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

1 home or may prevent the child from safely remaining in the  
2 home;  
3 (b) The child's need for permanency, taking into  
4 consideration the child's age and developmental needs;  
5 (c) The failure of a party to substantially comply  
6 with a task in the original case plan, including the  
7 ineffectiveness of a previously offered service; or  
8 (d) An error or oversight in the case plan.  
9 (5) The case plan may be amended by the court or upon  
10 motion of any party at any hearing to provide appropriate  
11 services to the child if there is competent evidence  
12 demonstrating the need for the amendment. The reason for  
13 amending the case plan may be based on information discovered  
14 or circumstances arising after the approval of the case plan  
15 regarding the provision of safe and proper care to the child.  
16 (6) The case plan is deemed amended as to the child's  
17 health, mental health, and education records required by s.  
18 39.6012 when the child's updated health and education records  
19 are filed by the department under s. 39.701(7)(a).  
20 (7) Amendments must include service interventions that  
21 are the least intrusive into the life of the parent and child,  
22 must focus on clearly defined objectives, and must provide the  
23 most efficient path to quick reunification or permanent  
24 placement given the circumstances of the case and the child's  
25 need for safe and proper care. A copy of the amended plan must  
26 be immediately given to the persons identified in s.  
27 39.601(1).  
28 Section 18. Subsections (1) and (2) of section 39.603,  
29 Florida Statutes, are amended to read:  
30 39.603 Court approvals of case planning.--  
31

1           (1) All case plans and amendments to case plans must  
2 be approved by the court. At the hearing on the case plan,  
3 which shall occur in conjunction with the disposition hearing  
4 unless otherwise directed by the court, the court shall  
5 determine:

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

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

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

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

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

27           (f) Whether the plan is meaningful and designed to  
28 address facts and circumstances upon which the court based the  
29 finding of dependency in involuntary placements or the plan is  
30 meaningful and designed to address facts and circumstances  
31

1 upon which the child was placed in out-of-home care  
2 voluntarily.

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

12 Section 19. Section 39.621, Florida Statutes, is  
13 amended to read:

14 39.621 Permanency determination by the court.--

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

29 (2) The permanency goals available under this chapter,  
30 listed in order of preference, are:

31 (a) Reunification;



1           (b) Adoption, if a petition for termination of  
2 parental rights has been or will be filed;  
3           (c) Permanent guardianship of a dependent child under  
4 s. 39.6221;  
5           (d) Permanent placement with a fit and willing  
6 relative under s. 39.6231; or  
7           (e) Placement in another planned permanent living  
8 arrangement under s. 39.6241.  
9           (3)(a) At least 3 business days before the permanency  
10 hearing, the department shall file its judicial review social  
11 services report with the court and serve copies of the report  
12 on all parties. The report must include a recommended  
13 permanency goal for the child, suggest changes to the case  
14 plan, if needed, and describe why the recommended goal is in  
15 the best interest of the child.  
16           (b) Before the permanency hearing, the department  
17 shall advise the child and the individuals with whom the child  
18 will be placed about the availability of more permanent and  
19 legally secure placements and what type of financial  
20 assistance is associated with each placement.  
21           (4) At the permanency hearing, the court shall  
22 determine:  
23           (a) Whether the current permanency goal for the child  
24 is appropriate or should be changed;  
25           (b) When the child will achieve one of the permanency  
26 goals; and  
27           (c) Whether the department has made reasonable efforts  
28 to finalize the permanency plan currently in effect.  
29           (5) The best interest of the child is the primary  
30 consideration in determining the permanency goal for the  
31 child. The court must also consider:

1           (a) The reasonable preference of the child if the  
2 court has found the child to be of sufficient intelligence,  
3 understanding, and experience to express a preference; and

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

5           ~~(6)(2)~~ If a child will not be reunited with a parent,  
6 adoption, ~~under pursuant to~~ chapter 63, is the primary  
7 permanency option ~~available to the court.~~ If the child is  
8 placed with a relative or with a relative of the child's  
9 half-brother or half-sister as a permanency option, the court  
10 may ~~shall~~ recognize the permanency of this placement without  
11 requiring the relative to adopt the child.

12  
13 If the court approves a permanency goal of permanent  
14 guardianship of a dependent child, placement with a fit and  
15 willing relative, or another planned permanent living  
16 arrangement, the court shall make findings as to why this  
17 permanent placement is established without adoption of the  
18 child to follow. If the court approves a permanency goal of  
19 another planned permanent living arrangement, the court shall  
20 document the compelling reasons for choosing this goal.

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

25           (8) The case plan must list the tasks necessary to  
26 finalize the permanency placement and shall be updated at the  
27 permanency hearing if necessary. If a concurrent case plan is  
28 in place, the court may choose between the permanency goal  
29 options presented and shall approve the goal that is in the  
30 child's best interest.

31

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

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

19           (a) The compliance or noncompliance of the parent with  
20 the case plan;

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

23           (c) The stability and longevity of the child's  
24 placement;

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

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

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

30       (11) Placement of a child in a permanent guardianship,  
31 with a fit and willing relative, or in another planned

1 permanent living arrangement does not terminate the  
2 parent-child relationship, including, but not limited to:  
3       (a) The right of the child to inherit from his or her  
4 parents;  
5       (b) The parents' right to consent to the child's  
6 adoption; or  
7       (c) The parents' responsibility to provide financial,  
8 medical, and other support for the child as ordered by the  
9 court.  
10       ~~(3) The permanency options listed in the following~~  
11 ~~paragraphs shall only be considered by the court if adoption~~  
12 ~~is determined by the court to not be in the child's best~~  
13 ~~interest, except as otherwise provided in subsection (2):~~  
14       ~~(a) Guardianship pursuant to chapter 744.~~  
15       ~~(b) Long term custody.~~  
16       ~~(c) Long term licensed custody.~~  
17       ~~(d) Independent living.~~  
18  
19 ~~The permanency placement is intended to continue until the~~  
20 ~~child reaches the age of majority and shall not be disturbed~~  
21 ~~absent a finding by the court that the circumstances of the~~  
22 ~~permanency placement are no longer in the best interest of the~~  
23 ~~child.~~  
24       Section 20. Section 39.6221, Florida Statutes, is  
25 created to read:  
26       39.6221 Permanent guardianship of a dependent child.--  
27       (1) If a court determines that reunification or  
28 adoption is not in the best interest of the child, the court  
29 may place the child in a permanent guardianship with a  
30 relative or other adult approved by the court if all of the  
31 following conditions are met:

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

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

5       (c) The court determines that the child and the  
6 relative or other adult are not likely to need supervision or  
7 services of the department to ensure the stability of the  
8 permanent guardianship.

9       (d) The permanent guardian has made a commitment to  
10 provide for the child until the child reaches the age of  
11 majority and to prepare the child for adulthood and  
12 independence.

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

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

19       (a) List the circumstances or reasons why the child's  
20 parents are not fit to care for the child and why  
21 reunification is not possible by referring to specific  
22 findings of fact made in its order adjudicating the child  
23 dependent or by making separate findings of fact;

24       (b) State the reasons why a permanent guardianship is  
25 being established instead of 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 permanent guardian not return the  
4 child to the physical care and custody of the person from whom  
5 the child was removed without the approval of the court.

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

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

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

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

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

29           (b) The parents' right to consent to the child's  
30 adoption; and

31

1        (c) The parents' responsibility to provide financial,  
2 medical, and other support for the child as ordered by the  
3 court.

4            Section 21. Section 39.6231, Florida Statutes, is  
5 created to read:

6            39.6231 Permanent placement with a fit and willing  
7 relative.--

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

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

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

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

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

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

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

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

1           (b) State the reasons why permanent placement with a  
2 fit and willing relative is being established instead of  
3 adoption;

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

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

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

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

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

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

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

28           (7) The court shall continue to conduct permanency  
29 hearings in order to reevaluate the possibility of adoption or  
30 permanent guardianship of the child.

31



1           Section 22. Section 39.6241, Florida Statutes, is  
2 created to read:

3           39.6241 Another planned permanent living  
4 arrangement.--

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

8           (a) The court finds a more permanent placement, such  
9 as adoption, permanent guardianship, or placement with a fit  
10 and willing relative, is not in the best interests of the  
11 child;

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

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

18           (d) There are compelling reasons to show that  
19 placement in another planned permanent living arrangement is  
20 the most appropriate permanency goal. Compelling reasons for  
21 such placement may include, but are not limited to:

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

28           2. The case of a child for whom an Indian tribe has  
29 identified another planned permanent living arrangement for  
30 the child; or

31

1           3. The case of a foster child who is 16 years of age  
2 or older who chooses to remain in foster care, and the child's  
3 foster parents are willing to care for the child until the  
4 child reaches 18 years of age.

5           (2) The department and the guardian ad litem must  
6 provide the court with a recommended list and description of  
7 services needed by the child, such as independent living  
8 services and medical, dental, educational, or psychological  
9 referrals, and a recommended list and description of services  
10 needed by his or her caregiver.

11           (3) The department shall continue to supervise the  
12 planned permanent living arrangement until the court orders  
13 otherwise. The court shall continue to review the placement at  
14 least once every 6 months.

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

19           39.701 Judicial review.--

20           (7)(a) Before ~~Prior to~~ every judicial review hearing  
21 or citizen review panel hearing, the social service agency  
22 shall make an investigation and social study concerning all  
23 pertinent details relating to the child and shall furnish to  
24 the court or citizen review panel a written report that  
25 includes, but is not limited to:

26           1. A description of the type of placement the child is  
27 in at the time of the hearing, including the safety of the  
28 child and the continuing necessity for and appropriateness of  
29 the placement.

- 1           2. Documentation of the diligent efforts made by all  
2 parties to the case plan to comply with each applicable  
3 provision of the plan.
- 4           3. The amount of fees assessed and collected during  
5 the period of time being reported.
- 6           4. The services provided to the foster family or legal  
7 custodian in an effort to address the needs of the child as  
8 indicated in the case plan.
- 9           5. A statement that either:
- 10          a. The parent, though able to do so, did not comply  
11 substantially with the ~~provisions of the~~ case plan, and the  
12 agency recommendations;
- 13          b. The parent did substantially comply with the  
14 ~~provisions of the~~ case plan; or
- 15          c. The parent has partially complied with the  
16 ~~provisions of the~~ case plan, with a summary of additional  
17 progress needed and the agency recommendations.
- 18           6. A statement from the foster parent or legal  
19 custodian providing any material evidence concerning the  
20 return of the child to the parent or parents.
- 21           7. A statement concerning the frequency, duration, and  
22 results of the parent-child visitation, if any, and the agency  
23 recommendations for an expansion or restriction of future  
24 visitation.
- 25           8. The number of times a child has been removed from  
26 his or her home and placed elsewhere, the number and types of  
27 placements that have occurred, and the reason for the changes  
28 in placement.
- 29           9. The number of times a child's educational placement  
30 has been changed, the number and types of educational  
31

1 | placements which have occurred, and the reason for any change  
2 | in placement.

3 |         10. If the child has reached 13 years of age but is  
4 | not yet 18 years of age, the results of the preindependent  
5 | living, life skills, or independent living assessment; the  
6 | specific services needed; and the status of the delivery of  
7 | the identified services.

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

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

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

30 |         (g) Whether the child is receiving safe and proper  
31 | care according to s. 39.6012, including, but not limited to,

1 the appropriateness of the child's current placement,  
2 including whether the child is in a setting ~~that~~ which is as  
3 family-like and as close to the parent's home as possible,  
4 consistent with the child's best interests and special needs,  
5 and including maintaining stability in the child's educational  
6 placement.

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

9 (9)(a) Based upon the criteria set forth in subsection  
10 (8) and the recommended order of the citizen review panel, if  
11 any, the court shall determine whether or not the social  
12 service agency shall initiate proceedings to have a child  
13 declared a dependent child, return the child to the parent,  
14 continue the child in out-of-home care for a specified period  
15 of time, or initiate termination of parental rights  
16 proceedings for subsequent placement in an adoptive home.  
17 ~~Amendments~~ Modifications to the case plan must be prepared  
18 ~~handled~~ as prescribed in s. 39.6013 ~~s. 39.601~~. If the court  
19 finds that the prevention or reunification efforts of the  
20 department will allow the child to remain safely at home or be  
21 safely returned to the home, the court shall allow the child  
22 to remain in or return to the home after making a specific  
23 finding of fact that the reasons for the creation of the case  
24 plan have been remedied to the extent that the child's safety,  
25 well-being, and physical, mental, and emotional health will  
26 not be endangered.

27 (b) The court shall return the child to the custody of  
28 the parents at any time it determines that they have  
29 substantially complied with the case plan, if the court is  
30 satisfied that reunification will not be detrimental to the  
31

1 child's safety, well-being, and physical, mental, and  
2 emotional health.

3 (c) If, in the opinion of the court, the social  
4 service agency has not complied with its obligations as  
5 specified in the written case plan, the court may find the  
6 social service agency in contempt, shall order the social  
7 service agency to submit its plans for compliance with the  
8 agreement, and shall require the social service agency to show  
9 why the child could not safely be returned to the home of the  
10 parents.

11 ~~(d) The court may extend the time limitation of the~~  
12 ~~case plan, or may modify the terms of the plan, based upon~~  
13 ~~information provided by the social service agency, and the~~  
14 ~~guardian ad litem, if one has been appointed, the parent or~~  
15 ~~parents, and the foster parents or legal custodian, and any~~  
16 ~~other competent information on record demonstrating the need~~  
17 ~~for the amendment. If the court extends the time limitation of~~  
18 ~~the case plan, the court must make specific findings~~  
19 ~~concerning the frequency of past parent child visitation, if~~  
20 ~~any, and the court may authorize the expansion or restriction~~  
21 ~~of future visitation. Modifications to the plan must be~~  
22 ~~handled as prescribed in s. 39.601. Any extension of a case~~  
23 ~~plan must comply with the time requirements and other~~  
24 ~~requirements specified by this chapter.~~

25 (d)(e) If, at any judicial review, the court finds  
26 that the parents have failed to substantially comply with the  
27 case plan to the degree that further reunification efforts are  
28 without merit and not in the best interest of the child, on  
29 its own motion, the court ~~it~~ may order ~~authorize~~ the filing of  
30 a petition for termination of parental rights, whether or not  
31

1 the time period as contained in the case plan for substantial  
2 compliance has expired ~~elapsed~~.

3 ~~(e)(f)~~ No later than 6 ~~12~~ months after the date that  
4 the child was placed in shelter care, the court shall conduct  
5 a judicial review hearing to review plan for the child's  
6 permanency goal as identified in the case plan. At the hearing  
7 the court shall make findings regarding the likelihood of the  
8 child's reunification with the parent or legal custodian  
9 within 12 months after the removal of the child from the home.

10 If, at this hearing, the court makes a written finding that it  
11 is not likely that the child will be reunified with the parent  
12 or legal custodian within 12 months after the child was  
13 removed from the home, the department must file with the  
14 court, and serve on all parties, a motion to amend the case  
15 plan under s. 39.6013 and declare that it will use concurrent  
16 planning for the case plan. The department must file the  
17 motion no later than 10 business days after receiving the  
18 written finding of the court. The department must attach the  
19 proposed amended case plan to the motion. If concurrent  
20 planning is already being used, the case plan must document  
21 the efforts the department is taking to complete the  
22 concurrent goal. At this hearing, if the child is not returned  
23 to the physical custody of the parents, the case plan may be  
24 extended with the same goals only if the court finds that the  
25 situation of the child is so extraordinary that the plan  
26 should be extended. The case plan must document steps the  
27 department is taking to find an adoptive parent or other  
28 permanent living arrangement for the child.

29 ~~(f)(g)~~ The court may issue a protective order in  
30 assistance, or as a condition, of any other order made under  
31 this part. In addition to the requirements included in the

1 case plan, the protective order may set forth requirements  
2 relating to reasonable conditions of behavior to be observed  
3 for a specified period of time by a person or agency who is  
4 before the court; and ~~the such~~ order may require any ~~such~~  
5 person or agency to make periodic reports to the court  
6 containing such information as the court in its discretion may  
7 prescribe.

8 Section 24. Section 39.8055, Florida Statutes, is  
9 created to read:

10 39.8055 Requirement to file a petition to terminate  
11 parental rights; exceptions.--

12 (1) The department shall file a petition to terminate  
13 parental rights within 60 days after any of the following if:

14 (a) At the time of the 12-month judicial review  
15 hearing, a child is not returned to the physical custody of  
16 the parents;

17 (b) A petition for termination of parental rights has  
18 not otherwise been filed, and the child has been in  
19 out-of-home care under the responsibility of the state for 15  
20 of the most recent 22 months, calculated on a cumulative  
21 basis, but not including any trial home visits or time during  
22 which the child was a runaway;

23 (c) A parent has been convicted of murder of the other  
24 parent, manslaughter of the other parent, aiding or abetting  
25 or conspiracy or solicitation to murder the other parent, or a  
26 felony battery that resulted in serious bodily injury to the  
27 child or to any other child of the parent; or

28 (d) A court determines that reasonable efforts to  
29 reunify the child and parent are not required.

30  
31



1           (2) Notwithstanding subsection (1), the department may  
2 choose not to file or join in a petition to terminate the  
3 parental rights of a parent if:  
4           (a) The child is being cared for by a relative under  
5 s. 39.6231; or  
6           (b) The department has documented in the report to the  
7 court a compelling reason for determining that filing such a  
8 petition is not in the best interests of the child. Compelling  
9 reasons for not filing or joining a petition to terminate  
10 parental rights may include, but are not limited to:  
11           1. Adoption is not the appropriate permanency goal for  
12 the child.  
13           2. No grounds to file a petition to terminate parental  
14 rights exist.  
15           3. The child is an unaccompanied refugee minor as  
16 defined in 45 C.F.R. 400.111.  
17           4. There are international legal obligations or  
18 compelling foreign-policy reasons that would preclude  
19 terminating parental rights.  
20           5. The department has not provided to the family,  
21 consistent with the time period in the case plan, services  
22 that the department deems necessary for the safe return of the  
23 child to the home.  
24           (3) Upon good cause shown by any party or on its own  
25 motion, the court may review the decision by the department  
26 that compelling reasons exist for not filing or joining a  
27 petition for termination of parental rights.  
28           (4) Upon good cause shown by any party or on its own  
29 motion, the court may review the determination by the  
30 department that compelling reasons exist for not filing a  
31 petition for termination of parental rights.

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

3           39.806 Grounds for termination of parental rights.--

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

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

14           1. The surrender document must be executed before two  
15 witnesses and a notary public or other person authorized to  
16 take acknowledgments.

17           2. The surrender and consent may be withdrawn after  
18 acceptance by the department only after a finding by the court  
19 that the surrender and consent were obtained by fraud or under  
20 duress.

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

24           (c) When the parent or parents engaged in conduct  
25 toward the child or toward other children that demonstrates  
26 that the continuing involvement of the parent or parents in  
27 the parent-child relationship threatens the life, safety,  
28 well-being, or physical, mental, or emotional health of the  
29 child irrespective of the provision of services. Provision of  
30 services may be evidenced by proof that services were provided  
31

1 through a previous plan or offered as a case plan from a child  
2 welfare agency.

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

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

9 2. The incarcerated parent has been determined by the  
10 court to be a violent career criminal as defined in s.  
11 775.084, a habitual violent felony offender as defined in s.  
12 775.084, or a sexual predator as defined in s. 775.21; has  
13 been convicted of first degree or second degree murder in  
14 violation of s. 782.04 or a sexual battery that constitutes a  
15 capital, life, or first degree felony violation of s. 794.011;  
16 or has been convicted of an offense in another jurisdiction  
17 which is substantially similar to one of the offenses listed  
18 in this paragraph. As used in this section, the term  
19 "substantially similar offense" means any offense that is  
20 substantially similar in elements and penalties to one of  
21 those listed in this subparagraph, and that is in violation of  
22 a law of any other jurisdiction, whether that of another  
23 state, the District of Columbia, the United States or any  
24 possession or territory thereof, or any foreign jurisdiction;  
25 or

26 3. The court determines by clear and convincing  
27 evidence that continuing the parental relationship with the  
28 incarcerated parent would be harmful to the child and, for  
29 this reason, that termination of the parental rights of the  
30 incarcerated parent is in the best interest of the child.

31

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

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

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

29           (f) When the parent or parents engaged in egregious  
30 conduct or had the opportunity and capability to prevent and  
31 knowingly failed to prevent egregious conduct that threatens

1 the life, safety, or physical, mental, or emotional health of  
2 the child or the child's sibling.

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

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

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

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

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

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

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

1           39.810 Manifest best interests of the child.--In a  
2 hearing on a petition for termination of parental rights, the  
3 court shall consider the manifest best interests of the child.  
4 This consideration shall not include a comparison between the  
5 attributes of the parents and those of any persons providing a  
6 present or potential placement for the child. For the purpose  
7 of determining the manifest best interests of the child, the  
8 court shall consider and evaluate all relevant factors,  
9 including, but not limited to:

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

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

22           39.811 Powers of disposition; order of disposition.--

23           (4) If the child is neither in the custody of the  
24 department nor in the custody of a parent and the court finds  
25 that the grounds for termination of parental rights have been  
26 established for either or both parents, the court shall enter  
27 an order terminating parental rights for the parent or parents  
28 for whom the grounds for termination have been established and  
29 placing the child with the department or an appropriate legal  
30 custodian. If the parental rights of both parents have been  
31 terminated, or if the parental rights of only one parent have

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

22 |       Section 28. Paragraph (b) of subsection (3) of section  
 23 | 39.0015, Florida Statutes, is amended to read:

24 |       39.0015 Child abuse prevention training in the  
 25 | district school system.--

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

27 |       (b) "Child abuse" means those acts as defined in ss.  
 28 | 39.01(1), (2), ~~(32), (42), (44), (55)~~ ~~(30), (43), (45), (52)~~,  
 29 | ~~and (62)(63)~~, 827.04, and 984.03(1), (2), and (37).

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

1           39.205 Penalties relating to reporting of child abuse,  
2 abandonment, or neglect.--

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

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

23           39.302 Protective investigations of institutional  
24 child abuse, abandonment, or neglect.--

25           (1) The department shall conduct a child protective  
26 investigation of each report of institutional child abuse,  
27 abandonment, or neglect. Upon receipt of a report that  
28 alleges that an employee or agent of the department, or any  
29 other entity or person covered by s. 39.01(33) or (46) ~~s.~~  
30 ~~39.01(31) or (47)~~, acting in an official capacity, has  
31 committed an act of child abuse, abandonment, or neglect, the



1 department shall initiate a child protective investigation  
2 within the timeframe established by the central abuse hotline  
3 ~~under pursuant to~~ s. 39.201(5) and orally notify the  
4 appropriate state attorney, law enforcement agency, and  
5 licensing agency. These agencies shall immediately conduct a  
6 joint investigation, unless independent investigations are  
7 more feasible. When conducting investigations onsite or having  
8 face-to-face interviews with the child, such investigation  
9 visits shall be unannounced unless it is determined by the  
10 department or its agent that the ~~such~~ unannounced visits would  
11 threaten the safety of the child. When a facility is exempt  
12 from licensing, the department shall inform the owner or  
13 operator of the facility of the report. Each agency  
14 conducting a joint investigation is ~~shall be~~ entitled to full  
15 access to the information gathered by the department in the  
16 course of the investigation. A protective investigation must  
17 include an onsite visit of the child's place of residence. In  
18 all cases, the department shall make a full written report to  
19 the state attorney within 3 working days after making the oral  
20 report. A criminal investigation shall be coordinated,  
21 whenever possible, with the child protective investigation of  
22 the department. Any interested person who has information  
23 regarding the offenses described in this subsection may  
24 forward a statement to the state attorney as to whether  
25 prosecution is warranted and appropriate. Within 15 days after  
26 the completion of the investigation, the state attorney shall  
27 report the findings to the department and shall include in the  
28 ~~such~~ report a determination of whether or not prosecution is  
29 justified and appropriate in view of the circumstances of the  
30 specific case.

31

1           Section 31. For the purpose of incorporating the  
2 amendments made by this act to section 39.806, Florida  
3 Statutes, in a reference thereto, subsection (5) of section  
4 39.802, Florida Statutes, is reenacted to read:

5           39.802 Petition for termination of parental rights;  
6 filing; elements.--

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

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

17           39.828 Grounds for appointment of a guardian  
18 advocate.--

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

23           (a) The child named in the petition is or was a drug  
24 dependent newborn as described in s. 39.01(32)(g) ~~s.~~  
25 ~~39.01(30)(g)~~;

26           (b) The parent or parents of the child have  
27 voluntarily relinquished temporary custody of the child to a  
28 relative or other responsible adult;

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

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

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

5 63.092 Report to the court of intended placement by an  
6 adoption entity; at-risk placement; preliminary study.--

7 (3) PRELIMINARY HOME STUDY.--Before placing the minor  
8 in the intended adoptive home, a preliminary home study must  
9 be performed by a licensed child-placing agency, a  
10 child-caring agency registered under s. 409.176, a licensed  
11 professional, or agency described in s. 61.20(2), unless the  
12 adoptee is an adult or the petitioner is a stepparent or a  
13 relative. If the adoptee is an adult or the petitioner is a  
14 stepparent or a relative, a preliminary home study may be  
15 required by the court for good cause shown. The department is  
16 required to perform the preliminary home study only if there  
17 is no licensed child-placing agency, child-caring agency  
18 registered under s. 409.176, licensed professional, or agency  
19 described in s. 61.20(2), in the county where the prospective  
20 adoptive parents reside. The preliminary home study must be  
21 made to determine the suitability of the intended adoptive  
22 parents and may be completed prior to identification of a  
23 prospective adoptive minor. A favorable preliminary home study  
24 is valid for 1 year after the date of its completion. Upon its  
25 completion, a copy of the home study must be provided to the  
26 intended adoptive parents who were the subject of the home  
27 study. A minor may not be placed in an intended adoptive home  
28 before a favorable preliminary home study is completed unless  
29 the adoptive home is also a licensed foster home under s.  
30 409.175. The preliminary home study must include, at a  
31 minimum:

- 1 (a) An interview with the intended adoptive parents;
- 2 (b) Records checks of the department's central abuse
- 3 registry and criminal records correspondence checks under s.
- 4 39.0138 ~~pursuant to s. 435.045~~ through the Department of Law
- 5 Enforcement on the intended adoptive parents;
- 6 (c) An assessment of the physical environment of the
- 7 home;
- 8 (d) A determination of the financial security of the
- 9 intended adoptive parents;
- 10 (e) Documentation of counseling and education of the
- 11 intended adoptive parents on adoptive parenting;
- 12 (f) Documentation that information on adoption and the
- 13 adoption process has been provided to the intended adoptive
- 14 parents;
- 15 (g) Documentation that information on support services
- 16 available in the community has been provided to the intended
- 17 adoptive parents; and
- 18 (h) A copy of each signed acknowledgment of receipt of
- 19 disclosure required by s. 63.085.
- 20
- 21 If the preliminary home study is favorable, a minor may be
- 22 placed in the home pending entry of the judgment of adoption.
- 23 A minor may not be placed in the home if the preliminary home
- 24 study is unfavorable. If the preliminary home study is
- 25 unfavorable, the adoption entity may, within 20 days after
- 26 receipt of a copy of the written recommendation, petition the
- 27 court to determine the suitability of the intended adoptive
- 28 home. A determination as to suitability under this subsection
- 29 does not act as a presumption of suitability at the final
- 30 hearing. In determining the suitability of the intended
- 31 adoptive home, the court must consider the totality of the

1 | circumstances in the home. No minor may be placed in a home in  
2 | which there resides any person determined by the court to be a  
3 | sexual predator as defined in s. 775.21 or to have been  
4 | convicted of an offense listed in s. 63.089(4)(b)2.

5 |       Section 34. Paragraph (d) of subsection (1) of section  
6 | 419.001, Florida Statutes, is amended to read:

7 |       419.001 Site selection of community residential  
8 | homes.--

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

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

19 |       Section 35. Sections 39.601, 39.622, 39.623, 39.624,  
20 | 39.703, and 435.045, Florida Statutes, are repealed.

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

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