



301180

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

The Committee on Governmental Oversight and Accountability  
(Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 103 - 684

and insert:

Section 2. Subsection (30) of section 39.01, Florida  
Statutes, is amended to read:

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

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



301180

11 (a) Inflicts or allows to be inflicted upon the child  
12 physical, mental, or emotional injury. In determining whether  
13 harm has occurred, the following factors must be considered in  
14 evaluating any physical, mental, or emotional injury to a child:  
15 the age of the child; any prior history of injuries to the  
16 child; the location of the injury on the body of the child; the  
17 multiplicity of the injury; and the type of trauma inflicted.

18 Such injury includes, but is not limited to:

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

33  
34 As used in this subparagraph, the term "willful" refers to the  
35 intent to perform an action, not to the intent to achieve a  
36 result or to cause an injury.

37 2. Purposely giving a child poison, alcohol, drugs, or  
38 other substances that substantially affect the child's behavior,  
39 motor coordination, or judgment or that result in sickness or



301180

40 internal injury. For the purposes of this subparagraph, the term  
41 "drugs" means prescription drugs not prescribed for the child or  
42 not administered as prescribed, and controlled substances as  
43 outlined in Schedule I or Schedule II of s. 893.03.

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

49 4. Inappropriate or excessively harsh disciplinary action  
50 that is likely to result in physical injury, mental injury as  
51 defined in this section, or emotional injury. The significance  
52 of any injury must be evaluated in light of the following  
53 factors: the age of the child; any prior history of injuries to  
54 the child; the location of the injury on the body of the child;  
55 the multiplicity of the injury; and the type of trauma  
56 inflicted. Corporal discipline may be considered excessive or  
57 abusive when it results in any of the following or other similar  
58 injuries:

- 59 a. Sprains, dislocations, or cartilage damage.
- 60 b. Bone or skull fractures.
- 61 c. Brain or spinal cord damage.
- 62 d. Intracranial hemorrhage or injury to other internal  
63 organs.
- 64 e. Asphyxiation, suffocation, or drowning.
- 65 f. Injury resulting from the use of a deadly weapon.
- 66 g. Burns or scalding.
- 67 h. Cuts, lacerations, punctures, or bites.
- 68 i. Permanent or temporary disfigurement.



301180

69           j. Permanent or temporary loss or impairment of a body part  
70 or function.

71           k. Significant bruises or welts.

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

75           (c) Allows, encourages, or forces the sexual exploitation  
76 of a child, which includes allowing, encouraging, or forcing a  
77 child to:

78           1. Solicit for or engage in prostitution; or

79           2. Engage in a sexual performance, as defined by chapter  
80 827.

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

83           (e) Abandons the child. Within the context of the  
84 definition of "harm," the term "abandoned the child" or  
85 "abandonment of the child" means a situation in which the parent  
86 or legal custodian of a child or, in the absence of a parent or  
87 legal custodian, the caregiver, while being able, has made no  
88 significant contribution to the child's care and maintenance or  
89 has failed to establish or maintain a substantial and positive  
90 relationship with the child, or both. For purposes of this  
91 paragraph, "establish or maintain a substantial and positive  
92 relationship" includes, but is not limited to, frequent and  
93 regular contact with the child through frequent and regular  
94 visitation or frequent and regular communication to or with the  
95 child, and the exercise of parental rights and responsibilities.  
96 Marginal efforts and incidental or token visits or  
97 communications are not sufficient to establish or maintain a



301180

98 substantial and positive relationship with a child. The term  
99 "abandoned" does not include a surrendered newborn infant as  
100 described in s. 383.50, a child in need of services as defined  
101 in chapter 984, or a family in need of services as defined in  
102 chapter 984. The incarceration, repeated incarceration, or  
103 extended incarceration of a parent, legal custodian, or  
104 caregiver responsible for a child's welfare may support a  
105 finding of abandonment.

106 (f) Neglects the child. Within the context of the  
107 definition of "harm," the term "neglects the child" means that  
108 the parent or other person responsible for the child's welfare  
109 fails to supply the child with adequate food, clothing, shelter,  
110 or health care, although financially able to do so or although  
111 offered financial or other means to do so. However, a parent or  
112 legal custodian who, by reason of the legitimate practice of  
113 religious beliefs, does not provide specified medical treatment  
114 for a child may not be considered abusive or neglectful for that  
115 reason alone, but such an exception does not:

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

118 2. Prevent the department from investigating such a case;  
119 or

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

126 (g) Exposes a child to a controlled substance or alcohol.



301180

127 Exposure to a controlled substance or alcohol is established by:

128       1. A test, administered at birth, which indicated that the  
129 child's blood, urine, or meconium contained any amount of  
130 alcohol or a controlled substance or metabolites of such  
131 substances, the presence of which was not the result of medical  
132 treatment administered to the mother or the newborn infant; or

133       2. Evidence of extensive, abusive, and chronic use of a  
134 controlled substance or alcohol by a parent when the child is  
135 demonstrably adversely affected by such usage.

136

137 As used in this paragraph, the term "controlled substance" means  
138 prescription drugs not prescribed for the parent or not  
139 administered as prescribed and controlled substances as outlined  
140 in Schedule I or Schedule II of s. 893.03.

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

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

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

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

151       (l) Makes the child unavailable for the purpose of impeding  
152 or avoiding a protective investigation unless the court  
153 determines that the parent, legal custodian, or caregiver was  
154 fleeing from a situation involving domestic violence.

155



301180

156 Harm to a child's health or welfare can also occur when a new  
157 child is born into the family during the course of an open  
158 dependency case where a parent or caregiver has been determined  
159 to not have protective capacity to safely care for the children  
160 in the home and has not substantially complied with the case  
161 plan toward successful reunification or met conditions for  
162 return of the children into the home.

163 Section 3. Section 39.0136, Florida Statutes, is amended to  
164 read:

165 39.0136 Time limitations; continuances.—

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

171 (2) (a) All parties and the court must work together to  
172 ensure that permanency is achieved as soon as possible for every  
173 child through timely performance of their responsibilities under  
174 this chapter.

175 (b) The department shall ensure that parents have the  
176 information necessary to contact their caseworker. When a new  
177 caseworker is assigned to a case, the caseworker shall make a  
178 timely and diligent effort to notify the parent and provide  
179 updated contact information.

180 (3) ~~(2)~~ The time limitations in this chapter do not include:

181 (a) Periods of delay resulting from a continuance granted  
182 at the request of the child's counsel or the child's guardian ad  
183 litem or, if the child is of sufficient capacity to express  
184 reasonable consent, at the request or with the consent of the



301180

185 child. The court must consider the best interests of the child  
186 when determining periods of delay under this section.

187 (b) Periods of delay resulting from a continuance granted  
188 at the request of any party if the continuance is granted:

189 1. Because of an unavailability of evidence that is  
190 material to the case if the requesting party has exercised due  
191 diligence to obtain evidence and there are substantial grounds  
192 to believe that the evidence will be available within 30 days.  
193 However, if the requesting party is not prepared to proceed  
194 within 30 days, any other party may move for issuance of an  
195 order to show cause or the court on its own motion may impose  
196 appropriate sanctions, which may include dismissal of the  
197 petition.

198 2. To allow the requesting party additional time to prepare  
199 the case and additional time is justified because of an  
200 exceptional circumstance.

201 (c) Reasonable periods of delay necessary to accomplish  
202 notice of the hearing to the child's parent or legal custodian;  
203 however, the petitioner shall continue regular efforts to  
204 provide notice to the parents during the periods of delay.

205 (4)~~(3)~~ Notwithstanding subsection (3) ~~(2)~~, in order to  
206 expedite permanency for a child, the total time allowed for  
207 continuances or extensions of time, including continuances or  
208 extensions by the court on its own motion, may not exceed 60  
209 days within any 12-month period for proceedings conducted under  
210 this chapter.

211 (a) A continuance or extension of time may be granted only  
212 for extraordinary circumstances in which it is necessary to  
213 preserve the constitutional rights of a party or if substantial





301180

214 evidence exists to demonstrate that without granting a  
215 continuance or extension of time the child's best interests will  
216 be harmed.

217 (b) An order entered under this section shall specify the  
218 new date for the continued hearing or deadline.

219 (5) ~~(4)~~ Notwithstanding subsection (3) ~~(2)~~, a continuance or  
220 an extension of time is limited to the number of days absolutely  
221 necessary to complete a necessary task in order to preserve the  
222 rights of a party or the best interests of a child.

223 Section 4. Subsections (2) and (5) of section 39.202,  
224 Florida Statutes, are amended to read:

225 39.202 Confidentiality of reports and records in cases of  
226 child abuse or neglect.—

227 (2) Except as provided in subsection (4), access to such  
228 records, excluding the name of the reporter and the names of  
229 instructional personnel as defined in s. 1012.01(2), school  
230 administrators as defined in s. 1012.01(3)(c), and educational  
231 support employees as described in s. 1012.01(6)(a) who have  
232 provided information during a protective investigation which  
233 shall be released only as provided in subsection (5), shall be  
234 granted only to the following persons, officials, and agencies:

235 (a) Employees, authorized agents, or contract providers of  
236 the department, the Department of Health, the Agency for Persons  
237 with Disabilities, the Office of Early Learning, or county  
238 agencies responsible for carrying out:

- 239 1. Child or adult protective investigations;
- 240 2. Ongoing child or adult protective services;
- 241 3. Early intervention and prevention services;
- 242 4. Healthy Start services;



301180

243           5. Licensure or approval of adoptive homes, foster homes,  
244 child care facilities, facilities licensed under chapter 393,  
245 family day care homes, providers who receive school readiness  
246 funding under part VI of chapter 1002, or other homes used to  
247 provide for the care and welfare of children;

248           6. Employment screening for caregivers in residential group  
249 homes; or

250           7. Services for victims of domestic violence when provided  
251 by certified domestic violence centers working at the  
252 department's request as case consultants or with shared clients.

253

254 Also, employees or agents of the Department of Juvenile Justice  
255 responsible for the provision of services to children, pursuant  
256 to chapters 984 and 985.

257           (b) Criminal justice agencies of appropriate jurisdiction.

258           (c) The state attorney of the judicial circuit in which the  
259 child resides or in which the alleged abuse or neglect occurred.

260           (d) The parent or legal custodian of any child who is  
261 alleged to have been abused, abandoned, or neglected, and the  
262 child, and their attorneys, including any attorney representing  
263 a child in civil or criminal proceedings. This access must ~~shall~~  
264 be made available no later than 60 days after the department  
265 receives the initial report of abuse, neglect, or abandonment.  
266 However, any information otherwise made confidential or exempt  
267 by law may ~~shall~~ not be released pursuant to this paragraph.

268           (e) Any person alleged in the report as having caused the  
269 abuse, abandonment, or neglect of a child. This access must  
270 ~~shall~~ be made available no later than 60 days after the  
271 department receives the initial report of abuse, abandonment, or



301180

272 neglect and, when the alleged perpetrator is not a parent, must  
273 ~~shall~~ be limited to information involving the protective  
274 investigation only and may ~~shall~~ not include any information  
275 relating to subsequent dependency proceedings. However, any  
276 information otherwise made confidential or exempt by law may  
277 ~~shall~~ not be released pursuant to this paragraph.

278 (f) A court upon its finding that access to such records  
279 may be necessary for the determination of an issue before the  
280 court; however, such access must ~~shall~~ be limited to inspection  
281 in camera, unless the court determines that public disclosure of  
282 the information contained therein is necessary for the  
283 resolution of an issue then pending before it.

284 (g) A grand jury, by subpoena, upon its determination that  
285 access to such records is necessary in the conduct of its  
286 official business.

287 (h) Any appropriate official of the department or the  
288 Agency for Persons with Disabilities who is responsible for:

289 1. Administration or supervision of the department's  
290 program for the prevention, investigation, or treatment of child  
291 abuse, abandonment, or neglect, or abuse, neglect, or  
292 exploitation of a vulnerable adult, when carrying out his or her  
293 official function;

294 2. Taking appropriate administrative action concerning an  
295 employee of the department or the agency who is alleged to have  
296 perpetrated child abuse, abandonment, or neglect, or abuse,  
297 neglect, or exploitation of a vulnerable adult; or

298 3. Employing and continuing employment of personnel of the  
299 department or the agency.

300 (i) Any person authorized by the department who is engaged



301180

301 in the use of such records or information for bona fide  
302 research, statistical, or audit purposes. Such individual or  
303 entity shall enter into a privacy and security agreement with  
304 the department and shall comply with all laws and rules  
305 governing the use of such records and information for research  
306 and statistical purposes. Information identifying the subjects  
307 of such records or information shall be treated as confidential  
308 by the researcher and may ~~shall~~ not be released in any form.

309 (j) The Division of Administrative Hearings for purposes of  
310 any administrative challenge.

311 (k) Any appropriate official of an ~~a Florida~~ advocacy  
312 council in this state investigating a report of known or  
313 suspected child abuse, abandonment, or neglect; the Auditor  
314 General or the Office of Program Policy Analysis and Government  
315 Accountability for the purpose of conducting audits or  
316 examinations pursuant to law; or the guardian ad litem for the  
317 child.

318 (l) Employees or agents of an agency of another state that  
319 has comparable jurisdiction to the jurisdiction described in  
320 paragraph (a).

321 (m) The Public Employees Relations Commission for the sole  
322 purpose of obtaining evidence for appeals filed pursuant to s.  
323 447.207. Records may be released only after deletion of all  
324 information which specifically identifies persons other than the  
325 employee.

326 (n) Employees or agents of the Department of Revenue  
327 responsible for child support enforcement activities.

328 (o) Any person in the event of the death of a child  
329 determined to be a result of abuse, abandonment, or neglect.



301180

330 Information identifying the person reporting abuse, abandonment,  
331 or neglect may ~~shall~~ not be released. Any information otherwise  
332 made confidential or exempt by law may ~~shall~~ not be released  
333 pursuant to this paragraph.

334 (p) An employee of the local school district who is  
335 designated as a liaison between the school district and the  
336 department pursuant to an interagency agreement required under  
337 s. 39.0016 and the principal of a public school, private school,  
338 or charter school where the child is a student. Information  
339 contained in the records which the liaison or the principal  
340 determines are necessary for a school employee to effectively  
341 provide a student with educational services may be released to  
342 that employee.

343 (q) An employee or agent of the Department of Education who  
344 is responsible for the investigation or prosecution of  
345 misconduct by a certified educator.

346 (r) Staff of a children's advocacy center that is  
347 established and operated under s. 39.3035.

348 (s) A physician licensed under chapter 458 or chapter 459,  
349 a psychologist licensed under chapter 490, or a mental health  
350 professional licensed under chapter 491 engaged in the care or  
351 treatment of the child.

352 (t) Persons with whom the department is seeking to place  
353 the child or to whom placement has been granted, including  
354 foster parents for whom an approved home study has been  
355 conducted, the designee of a licensed residential group home  
356 described in s. 39.523, an approved relative or nonrelative with  
357 whom a child is placed pursuant to s. 39.402, preadoptive  
358 parents for whom a favorable preliminary adoptive home study has



301180

359 been conducted, adoptive parents, or an adoption entity acting  
360 on behalf of preadoptive or adoptive parents.

361 (5) (a) The name of any person reporting child abuse,  
362 abandonment, or neglect may not be released to any person other  
363 than employees of the department responsible for child  
364 protective services, the central abuse hotline, law enforcement,  
365 the child protection team, or the appropriate state attorney,  
366 without the written consent of the person reporting. This does  
367 not prohibit the subpoenaing of a person reporting child abuse,  
368 abandonment, or neglect when deemed necessary by the court, the  
369 state attorney, or the department, provided the fact that such  
370 person made the report is not disclosed. Any person who reports  
371 a case of child abuse or neglect may, at the time he or she  
372 makes the report, request that the department notify him or her  
373 that a child protective investigation occurred as a result of  
374 the report. Any person specifically listed in s. 39.201(1) who  
375 makes a report in his or her official capacity may also request  
376 a written summary of the outcome of the investigation. The  
377 department must ~~shall~~ mail such a notice to the reporter within  
378 10 days after completing the child protective investigation.

379 (b) The names of instructional personnel as defined in s.  
380 1012.01(2), school administrators as defined in s.  
381 1012.01(3)(c), and educational support employees as described in  
382 s. 1012.01(6)(a) who have provided information during a  
383 protective investigation may not be released to any person other  
384 than employees of the department responsible for child  
385 protective services, the central abuse hotline, law enforcement,  
386 the child protection team, or the appropriate state attorney  
387 without the written consent of such personnel.



301180

388 Section 5. Paragraph (f) of subsection (14) and subsections  
389 (15) and (18) of section 39.402, Florida Statutes, are amended  
390 to read:

391 39.402 Placement in a shelter.—

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

393 (f) Continuances or extensions of time may not total more  
394 than 60 days for all parties, and the court on its own motion,  
395 within any 12-month period during proceedings under this  
396 chapter. A continuance or extension beyond the 60 days may be  
397 granted only for extraordinary circumstances necessary to  
398 preserve the constitutional rights of a party or when  
399 substantial evidence demonstrates that the child's best  
400 interests will be affirmatively harmed without the granting of a  
401 continuance or extension of time. When a continuance or  
402 extension is granted, the order shall specify the new date for  
403 the continued hearing or deadline.

404 (15) The department, at the conclusion of the shelter  
405 hearing, shall make available to parents or legal custodians  
406 seeking voluntary services, any referral information necessary  
407 for participation in such identified services to allow the  
408 parents to begin the services immediately. The parents' or legal  
409 custodians' participation in the services shall not be  
410 considered an admission or other acknowledgment of the  
411 allegations in the shelter petition.

412 (18) The court shall advise the parents in plain language  
413 what is expected of them to achieve reunification with their  
414 child, including that:

415 (a) Parents must take action to comply with the case plan  
416 so reunification with the child may occur within the shortest



301180

417 period of time possible, but not more than 1 year after removal  
418 or adjudication of the child.

419 (b) Parents must stay in contact with their attorney and  
420 their caseworker. If the parents' phone number, mailing address,  
421 or e-mail address changes, the parents must provide the attorney  
422 and caseworker with updated contact information.

423 (c) Parents must notify the parties and the court of  
424 barriers to completing case plan tasks within a reasonable time  
425 after discovering such barriers.

426 (d) If the parents fail to substantially comply with the  
427 case plan, their parental rights may be terminated and that the  
428 child's out-of-home placement may become permanent.

429 Section 6. Paragraph (c) of subsection (7) of section  
430 39.507, Florida Statutes, is amended to read:

431 39.507 Adjudicatory hearings; orders of adjudication.—

432 (7)

433 (c) If a court adjudicates a child dependent and the child  
434 is in out-of-home care, the court shall inquire of the parent or  
435 parents whether the parents have relatives who might be  
436 considered as a placement for the child. The parent or parents  
437 shall provide the court and all parties with identification and  
438 location information for such relatives. The court shall advise  
439 the parents in plain language that:—

440 1. Parents must take action to comply with the case plan so  
441 reunification with the child may occur within the shortest  
442 period of time possible, but not more than 1 year after removal  
443 or adjudication of the child.

444 2. Parents must stay in contact with their attorney and  
445 their caseworker. If the parents' phone number, mailing address,





301180

446 or e-mail address changes, the parents must provide the attorney  
447 and caseworker with updated contact information.

448 3. Parents must notify the parties and the court of  
449 barriers to completing case plan tasks within a reasonable time  
450 after discovering such barriers.

451 4. If the parents fail to substantially comply with the  
452 case plan, their parental rights may be terminated and that the  
453 child's out-of-home placement may become permanent. ~~The parent~~  
454 ~~or parents shall provide to the court and all parties~~  
455 ~~identification and location information of the relatives.~~

456 Section 7. Paragraph (a) of subsection (1) of section  
457 39.521, Florida Statutes, is amended to read:

458 39.521 Disposition hearings; powers of disposition.—

459 (1) A disposition hearing shall be conducted by the court,  
460 if the court finds that the facts alleged in the petition for  
461 dependency were proven in the adjudicatory hearing, or if the  
462 parents or legal custodians have consented to the finding of  
463 dependency or admitted the allegations in the petition, have  
464 failed to appear for the arraignment hearing after proper  
465 notice, or have not been located despite a diligent search  
466 having been conducted.

467 (a) A written case plan and a family functioning assessment  
468 prepared by an authorized agent of the department must be  
469 approved by the court. The department must file the case plan  
470 and the family functioning assessment with the court, serve  
471 copies ~~a copy of the case plan~~ on the parents of the child, and  
472 provide copies ~~a copy of the case plan~~ to the representative of  
473 the guardian ad litem program, if the program has been  
474 appointed, and copies ~~a copy~~ to all other parties:



301180

475           1. Not less than 72 hours before the disposition hearing,  
476 if the disposition hearing occurs on or after the 60th day after  
477 the date the child was placed in out-of-home care. All such case  
478 plans must be approved by the court.

479           2. Not less than 72 hours before the case plan acceptance  
480 hearing, if the disposition hearing occurs before the 60th day  
481 after the date the child was placed in out-of-home care and a  
482 case plan has not been submitted pursuant to this paragraph, or  
483 if the court does not approve the case plan at the disposition  
484 hearing. The case plan acceptance hearing must occur within 30  
485 days after the disposition hearing to review and approve the  
486 case plan.

487           Section 8. Subsection (1) of section 39.522, Florida  
488 Statutes, is amended to read:

489           39.522 Postdisposition change of custody.—The court may  
490 change the temporary legal custody or the conditions of  
491 protective supervision at a postdisposition hearing, without the  
492 necessity of another adjudicatory hearing.

493           (1) At any time before a child achieves the permanency  
494 placement approved at the permanency hearing, a child who has  
495 been placed in the child's own home under the protective  
496 supervision of an authorized agent of the department, in the  
497 home of a relative, in the home of a legal custodian, or in some  
498 other place may be brought before the court by the department or  
499 by any other interested person, upon the filing of a motion  
500 ~~petition~~ alleging a need for a change in the conditions of  
501 protective supervision or the placement. If the parents or other  
502 legal custodians deny the need for a change, the court shall  
503 hear all parties in person or by counsel, or both. Upon the



301180

504 admission of a need for a change or after such hearing, the  
505 court shall enter an order changing the placement, modifying the  
506 conditions of protective supervision, or continuing the  
507 conditions of protective supervision as ordered. The standard  
508 for changing custody of the child shall be the best interest of  
509 the child. When applying this standard, the court shall consider  
510 the continuity of the child's placement in the same out-of-home  
511 residence as a factor when determining the best interests of the  
512 child. If the child is not placed in foster care, then the new  
513 placement for the child must meet the home study criteria and  
514 court approval pursuant to this chapter.

515 Section 9. Present subsections (4) through (8) of section  
516 39.6011, Florida Statutes, are redesignated as subsections (5)  
517 through (9), respectively, a new subsection (4) is added to that  
518 section, and paragraph (e) of subsection (2), subsection (3),  
519 and present subsection (6) of that section are amended, to read:

520 39.6011 Case plan development.—

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

525 (e) A written notice to the parent that it is the parents'  
526 responsibility to take action to comply with the case plan so  
527 reunification with the child may occur within the shortest  
528 period of time possible, but not more than 1 year after removal  
529 or adjudication of the child; the parent must notify the parties  
530 and the court of barriers to completing case plan tasks within a  
531 reasonable time after discovering such barriers; failure of the  
532 parent to substantially comply with the case plan may result in



301180

533 the termination of parental rights;~~it~~ and ~~that~~ a material breach  
534 of the case plan by the parent's action or inaction may result  
535 in the filing of a petition for termination of parental rights  
536 sooner than the compliance period set forth in the case plan.

537 (3) The case plan must be signed by all parties, except  
538 that the signature of a child may be waived if the child is not  
539 of an age or capacity to participate in the case-planning  
540 process. Signing the case plan constitutes an acknowledgment  
541 that the case plan has been developed by the parties and that  
542 they are in agreement as to the terms and conditions contained  
543 in the case plan. The refusal of a parent to sign the case plan  
544 does not prevent the court from accepting the case plan if the  
545 case plan is otherwise acceptable to the court. Signing the case  
546 plan does not constitute an admission to any allegation of  
547 abuse, abandonment, or neglect and does not constitute consent  
548 to a finding of dependency or termination of parental rights.

549 (4) Before signing the case plan, the department shall  
550 explain the provisions of the plan to all persons involved in  
551 its implementation, including, when appropriate, the child. The  
552 department shall ensure that the parent has contact information  
553 for all entities necessary to complete the tasks in the plan.  
554 The department shall explain the strategies included in the plan  
555 that the parent can use to overcome barriers to case plan  
556 compliance and that if a barrier is discovered and the parties  
557 are not actively working to overcome such barrier, the parent  
558 must notify the parties and the court within a reasonable time  
559 after discovering such barrier.

560 (7)~~(6)~~ After the case plan has been developed, the  
561 department shall adhere to the following procedural



301180

562 requirements:

563 (a) If the parent's substantial compliance with the case  
564 plan requires the department to provide services to the parents  
565 or the child and the parents agree to begin compliance with the  
566 case plan before the case plan's acceptance by the court, the  
567 department shall make the appropriate referrals for services  
568 that will allow the parents to begin the agreed-upon tasks and  
569 services immediately.

570 (b) All other referrals for services shall be completed as  
571 soon as possible, but not more than 7 days after the date of the  
572 case plan approval, unless the case plan specifies that a task  
573 may not be undertaken until another specified task has been  
574 completed.

575 (c) ~~(b)~~ After the case plan has been agreed upon and signed  
576 by the parties, a copy of the plan must be given immediately to  
577 the parties, including the child if appropriate, and to other  
578 persons as directed by the court.

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

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

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



301180

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

594 Section 10. Paragraph (b) of subsection (1) of section  
595 39.6012, Florida Statutes, is amended, paragraph (d) is added to  
596 subsection (1) of that section, to read:

597 39.6012 Case plan tasks; services.—

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

600 (b) The case plan must describe each of the tasks with  
601 which the parent must comply and the services to be provided to  
602 the parent, specifically addressing the identified problem,  
603 including:

604 1. The type of services or treatment.

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

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

609 4. The frequency of services or treatment provided. The  
610 frequency of the delivery of services or treatment provided  
611 shall be determined by the professionals providing the services  
612 or treatment on a case-by-case basis and adjusted according to  
613 their best professional judgment.

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

615 6. The staff of the department or service provider  
616 accountable for the services or treatment.

617 7. A description of the measurable objectives, including  
618 the timeframes specified for achieving the objectives of the  
619 case plan and addressing the identified problem.



620 8. Strategies to overcome barriers to case plan compliance,  
621 including, but not limited to, the provision of contact  
622 information, information on acceptable alternative services or  
623 providers, and an explanation that the parent must notify the  
624 parties within a reasonable time of discovering a barrier that  
625 the parties are not actively working to overcome.

626 (d) Parents must provide accurate contact information to  
627 the department or the contracted case management agency and  
628 update such information as appropriate. Parents must make  
629 proactive contact with the department or the contracted case  
630 management agency at least every 14 calendar days to provide  
631 information on the status of case plan task completion, barriers  
632 to completion, and plans toward reunification.

633 Section 11. Present subsection (6) of section 39.6013,  
634 Florida Statutes, is redesignated as subsection (7), a new  
635 subsection (6) is added to that section, and present subsection  
636 (7) is amended, to read:

637 39.6013 Case plan amendments.—

638 (6) When determining whether to amend the case plan, the  
639 court must consider the length of time the case has been open,  
640 level of parental engagement to date, number of case plan tasks  
641 complied with, child's type of placement and attachment, and  
642 potential for successful reunification.

643 (8)~~(7)~~ Amendments must include service interventions that  
644 are the least intrusive into the life of the parent and child,  
645 must focus on clearly defined objectives, and must provide the  
646 most efficient path to quick reunification or permanent  
647 placement given the circumstances of the case and the child's  
648 need for safe and proper care. A copy of the amended plan must



301180

649 be immediately given to the persons identified in s.  
650 39.6011(7)(c) ~~s. 39.6011(6)(b)~~.

651 Section 12. Present subsections (7) through (10) of section  
652 39.621, Florida Statutes, are redesignated as subsections (8)  
653 through (11), respectively, subsection (5) and present  
654 subsections (9), (10), and (11) are amended, and a new  
655 subsection (7) is added to that section, to read:

656 39.621 Permanency determination by the court.—

657 (5) At the permanency hearing, the court shall determine:

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

660 (b) When the child will achieve one of the permanency  
661 goals; ~~and~~

662 (c) Whether the department has made reasonable efforts to  
663 finalize the permanency plan currently in effect; ~~and~~—

664 (d) Whether the frequency, duration, manner, and level of  
665 engagement of the parent or legal guardian's visitation with the  
666 child meets the case plan requirements.

667 (7) If the court determines that the child's goal is  
668 appropriate but the child will be in out-of-home care for more  
669 than 12 months before achieving permanency, in those cases where  
670 the goal is reunification or adoption, the court shall hold  
671 permanency status hearings for the child every 60 days until the  
672 child reaches permanency or the court makes a determination that  
673 it is in the child's best interest to change the permanency  
674 goal.

675 (10)(9) The case plan must list the tasks necessary to  
676 finalize the permanency placement and shall be updated at the  
677 permanency hearing unless the child will achieve permanency





301180

678 within 60 days after the hearing ~~if necessary~~. If a concurrent  
679 case plan is in place, the court may choose between the  
680 permanency goal options presented and shall approve the goal  
681 that is in the child's best interest.

682 (11) ~~(10)~~ The permanency placement is intended to continue  
683 until the child reaches the age of majority and may not be  
684 disturbed absent a finding by the court that the circumstances  
685 of the permanency placement are no longer in the best interest  
686 of the child.

687 (a) If, after a child has achieved the permanency placement  
688 approved at the permanency hearing, a parent who has not had his  
689 or her parental rights terminated makes a motion for  
690 reunification or increased contact with the child, the court  
691 shall hold a hearing to determine whether the dependency case  
692 should be reopened and whether there should be a modification of  
693 the order.

694 (b) At the hearing, the parent must demonstrate that the  
695 safety, well-being, and physical, mental, and emotional health  
696 of the child is not endangered by the modification.

697 (c) ~~(11)~~ The court shall base its decision concerning any  
698 motion by a parent for reunification or increased contact with a  
699 child on the effect of the decision on the safety, well-being,  
700 and physical and emotional health of the child. Factors that  
701 must be considered and addressed in the findings of fact of the  
702 order on the motion must include:

703 1. ~~(a)~~ The compliance or noncompliance of the parent with  
704 the case plan;

705 2. ~~(b)~~ The circumstances which caused the child's dependency  
706 and whether those circumstances have been resolved;



301180

707           ~~3.(e)~~ The stability and longevity of the child's placement;  
708           ~~4.(d)~~ The preferences of the child, if the child is of  
709 sufficient age and understanding to express a preference;  
710           ~~5.(e)~~ The recommendation of the current custodian; and  
711           ~~6.(f)~~ The recommendation of the guardian ad litem, if one  
712 has been appointed.

713           Section 13. Paragraph (d) of subsection (2) of section  
714 39.701, Florida Statutes, is amended to read:

715           39.701 Judicial review.—

716           (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
717 AGE.—

718           (d) *Orders*.—

719           1. Based upon the criteria set forth in paragraph (c) and  
720 the recommended order of the citizen review panel, if any, the  
721 court shall determine whether or not the social service agency  
722 shall initiate proceedings to have a child declared a dependent  
723 child, return the child to the parent, continue the child in  
724 out-of-home care for a specified period of time, or initiate  
725 termination of parental rights proceedings for subsequent  
726 placement in an adoptive home. Amendments to the case plan must  
727 be prepared as prescribed in s. 39.6013. If the court finds that  
728 the prevention or reunification efforts of the department will  
729 allow the child to remain safely at home or be safely returned  
730 to the home, the court shall allow the child to remain in or  
731 return to the home after making a specific finding of fact that  
732 the reasons for the creation of the case plan have been remedied  
733 to the extent that the child's safety, well-being, and physical,  
734 mental, and emotional health will not be endangered.

735           2. The court shall return the child to the custody of the



301180

736 parents at any time it determines that they have substantially  
737 complied with the case plan, if the court is satisfied that  
738 reunification will not be detrimental to the child's safety,  
739 well-being, and physical, mental, and emotional health.

740 3. If, in the opinion of the court, the social service  
741 agency has not complied with its obligations as specified in the  
742 written case plan, the court may find the social service agency  
743 in contempt, shall order the social service agency to submit its  
744 plans for compliance with the agreement, and shall require the  
745 social service agency to show why the child could not safely be  
746 returned to the home of the parents.

747 4. If, at any judicial review, the court finds that the  
748 parents have failed to substantially comply with the case plan  
749 to the degree that further reunification efforts are without  
750 merit and not in the best interest of the child, on its own  
751 motion, the court may order the filing of a petition for  
752 termination of parental rights, whether or not the time period  
753 as contained in the case plan for substantial compliance has  
754 expired.

755 5. Within 6 months after the date that the child was placed  
756 in shelter care, the court shall conduct a judicial review  
757 hearing to review the child's permanency goal as identified in  
758 the case plan. At the hearing the court shall make written  
759 findings regarding the parent or legal guardian's compliance  
760 with the case plan and demonstrable change in parental capacity  
761 to achieve timely reunification ~~likelihood of the child's~~  
762 ~~reunification with the parent or legal custodian~~ within 12  
763 months after the removal of the child from the home. The court  
764 shall consider the frequency, duration, manner, and level of



301180

765 engagement of the parent or legal custodian's visitation with  
766 the child in compliance with the case plan. If the court makes a  
767 written

768  
769 ===== T I T L E A M E N D M E N T =====

770 And the title is amended as follows:

771 Delete lines 6 - 44

772 and insert:

773 dependency proceedings; amending s. 39.01, F.S.;

774 expanding the definition of the term "harm" to

775 encompass infants born under certain circumstances;

776 amending s. 39.0136, F.S.; requiring cooperation

777 between certain parties and the court to achieve

778 permanency for a child in a timely manner; requiring

779 certain court orders to specify certain deadlines;

780 amending s. 39.202, F.S.; prohibiting the Department

781 of Children and Families from releasing the names of

782 certain persons who have provided information during a

783 protective investigation except under certain

784 circumstances; amending s. 39.402, F.S.; providing

785 that time limitations governing placement of a child

786 in a shelter do not include continuances requested by

787 the court; providing limitations on continuances;

788 providing requirements for parents to achieve

789 reunification with the child; amending s. 39.507,

790 F.S.; requiring the court to advise the parents during

791 an adjudicatory hearing of certain actions that are

792 required to achieve reunification; amending s. 39.521,

793 F.S.; requiring the department to provide copies of



794 the family functioning assessment to certain persons;  
795 amending s. 39.522, F.S.; providing conditions for the  
796 court to consider the continuity of the child's  
797 placement in the same out-of-home residence before the  
798 permanency placement is approved in a postdisposition  
799 proceeding to modify custody; amending s. 39.6011,  
800 F.S.; requiring a case plan for a child receiving  
801 services from the department to include a protocol for  
802 parents to achieve reunification with the child;  
803 providing that certain action or inaction by a parent  
804 may result in termination of parental rights;  
805 requiring the department to provide certain  
806 information to a parent before signing a case plan;  
807 providing a timeframe for referral for services;  
808 amending s. 39.6012, F.S.; requiring a case plan to  
809 contain certain information; requiring parents or  
810 legal guardians to provide certain information to the  
811 department or contracted case management agency and to  
812 update the information as appropriate; requiring the  
813 parents or legal guardians to make proactive contact  
814 with the department or contracted case management  
815 agency; amending s. 39.6013, F.S.; requiring the court  
816 to consider certain factors when determining whether  
817 to amend a case plan; conforming a cross-reference;  
818 amending s. 39.621, F.S.; requiring the court to  
819 determine certain factors at a permanency hearing;  
820 requiring the court to hold permanency hearings within  
821 specified timeframes until permanency is determined;  
822 amending s. 39.701, F.S.; revising the findings a



301180

823 court must make at a judicial review hearing relating  
824 to a child's permanency goal; requiring the department  
825 to file a