

**By** the Committees on Governmental Oversight and Accountability; and Children, Families, and Elder Affairs; and Senators Montford and Book

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1                   A bill to be entitled  
2       An act relating to child welfare; amending s. 39.001,  
3       F.S.; providing an additional purpose of ch. 39, F.S.;  
4       providing for the name of a child's guardian ad litem  
5       or attorney ad litem to be entered on court orders in  
6       dependency proceedings; amending s. 39.01, F.S.;  
7       expanding the definition of the term "harm" to  
8       encompass infants born under certain circumstances;  
9       amending s. 39.0136, F.S.; requiring cooperation  
10      between certain parties and the court to achieve  
11      permanency for a child in a timely manner; requiring  
12      certain court orders to specify certain deadlines;  
13      amending s. 39.202, F.S.; prohibiting the Department  
14      of Children and Families from releasing the names of  
15      certain persons who have provided information during a  
16      protective investigation except under certain  
17      circumstances; amending s. 39.402, F.S.; providing  
18      that time limitations governing placement of a child  
19      in a shelter do not include continuances requested by  
20      the court; providing limitations on continuances;  
21      providing requirements for parents to achieve  
22      reunification with the child; amending s. 39.507,  
23      F.S.; requiring the court to advise the parents during  
24      an adjudicatory hearing of certain actions that are  
25      required to achieve reunification; amending s. 39.521,  
26      F.S.; requiring the department to provide copies of  
27      the family functioning assessment to certain persons;  
28      amending s. 39.522, F.S.; providing conditions for the  
29      court to consider the continuity of the child's

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30 placement in the same out-of-home residence before the  
31 permanency placement is approved in a postdisposition  
32 proceeding to modify custody; amending s. 39.6011,  
33 F.S.; requiring a case plan for a child receiving  
34 services from the department to include a protocol for  
35 parents to achieve reunification with the child;  
36 providing that certain action or inaction by a parent  
37 may result in termination of parental rights;  
38 requiring the department to provide certain  
39 information to a parent before signing a case plan;  
40 providing a timeframe for referral for services;  
41 amending s. 39.6012, F.S.; requiring a case plan to  
42 contain certain information; requiring parents or  
43 legal guardians to provide certain information to the  
44 department or contracted case management agency and to  
45 update the information as appropriate; requiring the  
46 parents or legal guardians to make proactive contact  
47 with the department or contracted case management  
48 agency; amending s. 39.6013, F.S.; requiring the court  
49 to consider certain factors when determining whether  
50 to amend a case plan; conforming a cross-reference;  
51 amending s. 39.621, F.S.; requiring the court to  
52 determine certain factors at a permanency hearing;  
53 requiring the court to hold permanency hearings within  
54 specified timeframes until permanency is determined;  
55 amending s. 39.701, F.S.; revising the findings a  
56 court must make at a judicial review hearing relating  
57 to a child's permanency goal; requiring the department  
58 to file a motion to amend a case plan when concurrent

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59 planning is used, under certain circumstances;  
60 amending s. 39.806, F.S.; specifying that a parent or  
61 parents may materially breach a case plan by action or  
62 inaction; amending s. 39.811, F.S.; requiring the  
63 court to enter a written order of disposition of the  
64 child following termination of parental rights within  
65 a specified timeframe; providing an effective date.  
66

67 Be It Enacted by the Legislature of the State of Florida:  
68

69 Section 1. Subsection (7) of section 39.001, Florida  
70 Statutes, is amended, and paragraph (q) is added to subsection  
71 (1) and paragraph (j) is added to subsection (3) of that  
72 section, to read:

73 39.001 Purposes and intent; personnel standards and  
74 screening.—

75 (1) PURPOSES OF CHAPTER.—The purposes of this chapter are:

76 (q) To recognize the responsibility of:

77 1. The parent from whose custody a child has been taken to  
78 take action to comply with the case plan so reunification with  
79 the child may occur within the shortest period of time possible,  
80 but not more than 1 year after removal or adjudication of the  
81 child.

82 2. The department and its community-based care providers to  
83 make reasonable efforts to finalize a family's permanency plan,  
84 including assisting parents with developing strategies to  
85 overcome barriers to case plan compliance.

86 3. The court to affirmatively determine what the barriers  
87 are to timely reunification, and address such barriers as

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88 frequently as needed to ensure compliance with the time  
89 limitations established in this chapter.

90 (3) GENERAL PROTECTIONS FOR CHILDREN.—It is a purpose of  
91 the Legislature that the children of this state be provided with  
92 the following protections:

93 (j) The ability to contact their guardian ad litem or  
94 attorney ad litem, if appointed, by having that individual's  
95 name entered on all orders of the court.

96 (7) PARENTAL, CUSTODIAL, AND GUARDIAN RESPONSIBILITIES.—  
97 Parents, custodians, and guardians are deemed by the state to be  
98 responsible for providing their children with sufficient  
99 support, guidance, and supervision. The state further recognizes  
100 that the ability of parents, custodians, and guardians to  
101 fulfill those responsibilities can be greatly impaired by  
102 economic, social, behavioral, emotional, and related problems.  
103 It is therefore the policy of the Legislature that it is the  
104 state's responsibility to ensure that factors impeding the  
105 ability of caregivers to fulfill their responsibilities are  
106 identified through the dependency process and that appropriate  
107 recommendations and services to address those problems are  
108 considered in any judicial or nonjudicial proceeding. The  
109 Legislature also recognizes that time is of the essence for  
110 establishing permanency for a child in the dependency system.  
111 Therefore, parents must take action to comply with the case plan  
112 so reunification with the child may occur within the shortest  
113 period of time possible, but not more than 1 year after removal  
114 or adjudication of the child, including by notifying the parties  
115 and the court of barriers to case plan compliance.

116 Section 2. Subsection (30) of section 39.01, Florida

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117 Statutes, is amended to read:

118 39.01 Definitions.—When used in this chapter, unless the  
119 context otherwise requires:

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

122 (a) Inflicts or allows to be inflicted upon the child  
123 physical, mental, or emotional injury. In determining whether  
124 harm has occurred, the following factors must be considered in  
125 evaluating any physical, mental, or emotional injury to a child:  
126 the age of the child; any prior history of injuries to the  
127 child; the location of the injury on the body of the child; the  
128 multiplicity of the injury; and the type of trauma inflicted.  
129 Such injury includes, but is not limited to:

130 1. Willful acts that produce the following specific  
131 injuries:

132 a. Sprains, dislocations, or cartilage damage.

133 b. Bone or skull fractures.

134 c. Brain or spinal cord damage.

135 d. Intracranial hemorrhage or injury to other internal  
136 organs.

137 e. Asphyxiation, suffocation, or drowning.

138 f. Injury resulting from the use of a deadly weapon.

139 g. Burns or scalding.

140 h. Cuts, lacerations, punctures, or bites.

141 i. Permanent or temporary disfigurement.

142 j. Permanent or temporary loss or impairment of a body part  
143 or function.

144

145 As used in this subparagraph, the term "willful" refers to the

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146 intent to perform an action, not to the intent to achieve a  
147 result or to cause an injury.

148 2. Purposely giving a child poison, alcohol, drugs, or  
149 other substances that substantially affect the child's behavior,  
150 motor coordination, or judgment or that result in sickness or  
151 internal injury. For the purposes of this subparagraph, the term  
152 "drugs" means prescription drugs not prescribed for the child or  
153 not administered as prescribed, and controlled substances as  
154 outlined in Schedule I or Schedule II of s. 893.03.

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

160 4. Inappropriate or excessively harsh disciplinary action  
161 that is likely to result in physical injury, mental injury as  
162 defined in this section, or emotional injury. The significance  
163 of any injury must be evaluated in light of the following  
164 factors: the age of the child; any prior history of injuries to  
165 the child; the location of the injury on the body of the child;  
166 the multiplicity of the injury; and the type of trauma  
167 inflicted. Corporal discipline may be considered excessive or  
168 abusive when it results in any of the following or other similar  
169 injuries:

- 170 a. Sprains, dislocations, or cartilage damage.  
171 b. Bone or skull fractures.  
172 c. Brain or spinal cord damage.  
173 d. Intracranial hemorrhage or injury to other internal  
174 organs.

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- 175 e. Asphyxiation, suffocation, or drowning.
- 176 f. Injury resulting from the use of a deadly weapon.
- 177 g. Burns or scalding.
- 178 h. Cuts, lacerations, punctures, or bites.
- 179 i. Permanent or temporary disfigurement.
- 180 j. Permanent or temporary loss or impairment of a body part
- 181 or function.
- 182 k. Significant bruises or welts.
- 183 (b) Commits, or allows to be committed, sexual battery, as
- 184 defined in chapter 794, or lewd or lascivious acts, as defined
- 185 in chapter 800, against the child.
- 186 (c) Allows, encourages, or forces the sexual exploitation
- 187 of a child, which includes allowing, encouraging, or forcing a
- 188 child to:
- 189 1. Solicit for or engage in prostitution; or
  - 190 2. Engage in a sexual performance, as defined by chapter
  - 191 827.
- 192 (d) Exploits a child, or allows a child to be exploited, as
- 193 provided in s. 450.151.
- 194 (e) Abandons the child. Within the context of the
- 195 definition of "harm," the term "abandoned the child" or
- 196 "abandonment of the child" means a situation in which the parent
- 197 or legal custodian of a child or, in the absence of a parent or
- 198 legal custodian, the caregiver, while being able, has made no
- 199 significant contribution to the child's care and maintenance or
- 200 has failed to establish or maintain a substantial and positive
- 201 relationship with the child, or both. For purposes of this
- 202 paragraph, "establish or maintain a substantial and positive
- 203 relationship" includes, but is not limited to, frequent and

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204 regular contact with the child through frequent and regular  
205 visitation or frequent and regular communication to or with the  
206 child, and the exercise of parental rights and responsibilities.  
207 Marginal efforts and incidental or token visits or  
208 communications are not sufficient to establish or maintain a  
209 substantial and positive relationship with a child. The term  
210 "abandoned" does not include a surrendered newborn infant as  
211 described in s. 383.50, a child in need of services as defined  
212 in chapter 984, or a family in need of services as defined in  
213 chapter 984. The incarceration, repeated incarceration, or  
214 extended incarceration of a parent, legal custodian, or  
215 caregiver responsible for a child's welfare may support a  
216 finding of abandonment.

217 (f) Neglects the child. Within the context of the  
218 definition of "harm," the term "neglects the child" means that  
219 the parent or other person responsible for the child's welfare  
220 fails to supply the child with adequate food, clothing, shelter,  
221 or health care, although financially able to do so or although  
222 offered financial or other means to do so. However, a parent or  
223 legal custodian who, by reason of the legitimate practice of  
224 religious beliefs, does not provide specified medical treatment  
225 for a child may not be considered abusive or neglectful for that  
226 reason alone, but such an exception does not:

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

229 2. Prevent the department from investigating such a case;  
230 or

231 3. Preclude a court from ordering, when the health of the  
232 child requires it, the provision of medical services by a



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233 physician, as defined in this section, or treatment by a duly  
234 accredited practitioner who relies solely on spiritual means for  
235 healing in accordance with the tenets and practices of a well-  
236 recognized church or religious organization.

237 (g) Exposes a child to a controlled substance or alcohol.  
238 Exposure to a controlled substance or alcohol is established by:

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

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

247  
248 As used in this paragraph, the term "controlled substance" means  
249 prescription drugs not prescribed for the parent or not  
250 administered as prescribed and controlled substances as outlined  
251 in Schedule I or Schedule II of s. 893.03.

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

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

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

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

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262 (1) Makes the child unavailable for the purpose of impeding  
263 or avoiding a protective investigation unless the court  
264 determines that the parent, legal custodian, or caregiver was  
265 fleeing from a situation involving domestic violence.

266  
267 Harm to a child's health or welfare can also occur when a new  
268 child is born into the family during the course of an open  
269 dependency case where a parent or caregiver has been determined  
270 to not have protective capacity to safely care for the children  
271 in the home and has not substantially complied with the case  
272 plan toward successful reunification or met conditions for  
273 return of the children into the home.

274 Section 3. Section 39.0136, Florida Statutes, is amended to  
275 read:

276 39.0136 Time limitations; continuances.—

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

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

286 (b) The department shall ensure that parents have the  
287 information necessary to contact their caseworker. When a new  
288 caseworker is assigned to a case, the caseworker shall make a  
289 timely and diligent effort to notify the parent and provide  
290 updated contact information.

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291        (3)~~(2)~~ The time limitations in this chapter do not include:

292            (a) Periods of delay resulting from a continuance granted  
293 at the request of the child's counsel or the child's guardian ad  
294 litem or, if the child is of sufficient capacity to express  
295 reasonable consent, at the request or with the consent of the  
296 child. The court must consider the best interests of the child  
297 when determining periods of delay under this section.

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

300            1. Because of an unavailability of evidence that is  
301 material to the case if the requesting party has exercised due  
302 diligence to obtain evidence and there are substantial grounds  
303 to believe that the evidence will be available within 30 days.  
304 However, if the requesting party is not prepared to proceed  
305 within 30 days, any other party may move for issuance of an  
306 order to show cause or the court on its own motion may impose  
307 appropriate sanctions, which may include dismissal of the  
308 petition.

309            2. To allow the requesting party additional time to prepare  
310 the case and additional time is justified because of an  
311 exceptional circumstance.

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

316            (4)~~(3)~~ Notwithstanding subsection (3) ~~(2)~~, in order to  
317 expedite permanency for a child, the total time allowed for  
318 continuances or extensions of time, including continuances or  
319 extensions by the court on its own motion, may not exceed 60

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320 days within any 12-month period for proceedings conducted under  
321 this chapter.

322 (a) A continuance or extension of time may be granted only  
323 for extraordinary circumstances in which it is necessary to  
324 preserve the constitutional rights of a party or if substantial  
325 evidence exists to demonstrate that without granting a  
326 continuance or extension of time the child's best interests will  
327 be harmed.

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

330 (5)~~(4)~~ Notwithstanding subsection (3) ~~(2)~~, a continuance or  
331 an extension of time is limited to the number of days absolutely  
332 necessary to complete a necessary task in order to preserve the  
333 rights of a party or the best interests of a child.

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

336 39.202 Confidentiality of reports and records in cases of  
337 child abuse or neglect.—

338 (2) Except as provided in subsection (4), access to such  
339 records, excluding the name of the reporter and the names of  
340 instructional personnel as defined in s. 1012.01(2), school  
341 administrators as defined in s. 1012.01(3)(c), and educational  
342 support employees as described in s. 1012.01(6)(a) who have  
343 provided information during a protective investigation which  
344 shall be released only as provided in subsection (5), shall be  
345 granted only to the following persons, officials, and agencies:

346 (a) Employees, authorized agents, or contract providers of  
347 the department, the Department of Health, the Agency for Persons  
348 with Disabilities, the Office of Early Learning, or county

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349 agencies responsible for carrying out:

- 350 1. Child or adult protective investigations;
- 351 2. Ongoing child or adult protective services;
- 352 3. Early intervention and prevention services;
- 353 4. Healthy Start services;
- 354 5. Licensure or approval of adoptive homes, foster homes,  
355 child care facilities, facilities licensed under chapter 393,  
356 family day care homes, providers who receive school readiness  
357 funding under part VI of chapter 1002, or other homes used to  
358 provide for the care and welfare of children;
- 359 6. Employment screening for caregivers in residential group  
360 homes; or
- 361 7. Services for victims of domestic violence when provided  
362 by certified domestic violence centers working at the  
363 department's request as case consultants or with shared clients.

364  
365 Also, employees or agents of the Department of Juvenile Justice  
366 responsible for the provision of services to children, pursuant  
367 to chapters 984 and 985.

368 (b) Criminal justice agencies of appropriate jurisdiction.

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

371 (d) The parent or legal custodian of any child who is  
372 alleged to have been abused, abandoned, or neglected, and the  
373 child, and their attorneys, including any attorney representing  
374 a child in civil or criminal proceedings. This access must ~~shall~~  
375 be made available no later than 60 days after the department  
376 receives the initial report of abuse, neglect, or abandonment.  
377 However, any information otherwise made confidential or exempt

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378 by law may ~~shall~~ not be released pursuant to this paragraph.

379 (e) Any person alleged in the report as having caused the  
380 abuse, abandonment, or neglect of a child. This access must  
381 ~~shall~~ be made available no later than 60 days after the  
382 department receives the initial report of abuse, abandonment, or  
383 neglect and, when the alleged perpetrator is not a parent, must  
384 ~~shall~~ be limited to information involving the protective  
385 investigation only and may ~~shall~~ not include any information  
386 relating to subsequent dependency proceedings. However, any  
387 information otherwise made confidential or exempt by law may  
388 ~~shall~~ not be released pursuant to this paragraph.

389 (f) A court upon its finding that access to such records  
390 may be necessary for the determination of an issue before the  
391 court; however, such access must ~~shall~~ be limited to inspection  
392 in camera, unless the court determines that public disclosure of  
393 the information contained therein is necessary for the  
394 resolution of an issue then pending before it.

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

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

400 1. Administration or supervision of the department's  
401 program for the prevention, investigation, or treatment of child  
402 abuse, abandonment, or neglect, or abuse, neglect, or  
403 exploitation of a vulnerable adult, when carrying out his or her  
404 official function;

405 2. Taking appropriate administrative action concerning an  
406 employee of the department or the agency who is alleged to have

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407 perpetrated child abuse, abandonment, or neglect, or abuse,  
408 neglect, or exploitation of a vulnerable adult; or

409 3. Employing and continuing employment of personnel of the  
410 department or the agency.

411 (i) Any person authorized by the department who is engaged  
412 in the use of such records or information for bona fide  
413 research, statistical, or audit purposes. Such individual or  
414 entity shall enter into a privacy and security agreement with  
415 the department and shall comply with all laws and rules  
416 governing the use of such records and information for research  
417 and statistical purposes. Information identifying the subjects  
418 of such records or information shall be treated as confidential  
419 by the researcher and may ~~shall~~ not be released in any form.

420 (j) The Division of Administrative Hearings for purposes of  
421 any administrative challenge.

422 (k) Any appropriate official of an ~~a Florida~~ advocacy  
423 council in this state investigating a report of known or  
424 suspected child abuse, abandonment, or neglect; the Auditor  
425 General or the Office of Program Policy Analysis and Government  
426 Accountability for the purpose of conducting audits or  
427 examinations pursuant to law; or the guardian ad litem for the  
428 child.

429 (l) Employees or agents of an agency of another state that  
430 has comparable jurisdiction to the jurisdiction described in  
431 paragraph (a).

432 (m) The Public Employees Relations Commission for the sole  
433 purpose of obtaining evidence for appeals filed pursuant to s.  
434 447.207. Records may be released only after deletion of all  
435 information which specifically identifies persons other than the

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436 employee.

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

439 (o) Any person in the event of the death of a child  
440 determined to be a result of abuse, abandonment, or neglect.  
441 Information identifying the person reporting abuse, abandonment,  
442 or neglect may ~~shall~~ not be released. Any information otherwise  
443 made confidential or exempt by law may ~~shall~~ not be released  
444 pursuant to this paragraph.

445 (p) An employee of the local school district who is  
446 designated as a liaison between the school district and the  
447 department pursuant to an interagency agreement required under  
448 s. 39.0016 and the principal of a public school, private school,  
449 or charter school where the child is a student. Information  
450 contained in the records which the liaison or the principal  
451 determines are necessary for a school employee to effectively  
452 provide a student with educational services may be released to  
453 that employee.

454 (q) An employee or agent of the Department of Education who  
455 is responsible for the investigation or prosecution of  
456 misconduct by a certified educator.

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

459 (s) A physician licensed under chapter 458 or chapter 459,  
460 a psychologist licensed under chapter 490, or a mental health  
461 professional licensed under chapter 491 engaged in the care or  
462 treatment of the child.

463 (t) Persons with whom the department is seeking to place  
464 the child or to whom placement has been granted, including



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465 foster parents for whom an approved home study has been  
466 conducted, the designee of a licensed residential group home  
467 described in s. 39.523, an approved relative or nonrelative with  
468 whom a child is placed pursuant to s. 39.402, preadoptive  
469 parents for whom a favorable preliminary adoptive home study has  
470 been conducted, adoptive parents, or an adoption entity acting  
471 on behalf of preadoptive or adoptive parents.

472 (5) (a) The name of any person reporting child abuse,  
473 abandonment, or neglect may not be released to any person other  
474 than employees of the department responsible for child  
475 protective services, the central abuse hotline, law enforcement,  
476 the child protection team, or the appropriate state attorney,  
477 without the written consent of the person reporting. This does  
478 not prohibit the subpoenaing of a person reporting child abuse,  
479 abandonment, or neglect when deemed necessary by the court, the  
480 state attorney, or the department, provided the fact that such  
481 person made the report is not disclosed. Any person who reports  
482 a case of child abuse or neglect may, at the time he or she  
483 makes the report, request that the department notify him or her  
484 that a child protective investigation occurred as a result of  
485 the report. Any person specifically listed in s. 39.201(1) who  
486 makes a report in his or her official capacity may also request  
487 a written summary of the outcome of the investigation. The  
488 department must ~~shall~~ mail such a notice to the reporter within  
489 10 days after completing the child protective investigation.

490 (b) The names of instructional personnel as defined in s.  
491 1012.01(2), school administrators as defined in s.  
492 1012.01(3)(c), and educational support employees as described in  
493 s. 1012.01(6)(a) who have provided information during a

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494 protective investigation may not be released to any person other  
495 than employees of the department responsible for child  
496 protective services, the central abuse hotline, law enforcement,  
497 the child protection team, or the appropriate state attorney  
498 without the written consent of such personnel.

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

502 39.402 Placement in a shelter.—

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

504 (f) Continuances or extensions of time may not total more  
505 than 60 days for all parties, and the court on its own motion,  
506 within any 12-month period during proceedings under this  
507 chapter. A continuance or extension beyond the 60 days may be  
508 granted only for extraordinary circumstances necessary to  
509 preserve the constitutional rights of a party or when  
510 substantial evidence demonstrates that the child's best  
511 interests will be affirmatively harmed without the granting of a  
512 continuance or extension of time. When a continuance or  
513 extension is granted, the order shall specify the new date for  
514 the continued hearing or deadline.

515 (15) The department, at the conclusion of the shelter  
516 hearing, shall make available to parents or legal custodians  
517 seeking voluntary services, any referral information necessary  
518 for participation in such identified services to allow the  
519 parents to begin the services immediately. The parents' or legal  
520 custodians' participation in the services shall not be  
521 considered an admission or other acknowledgment of the  
522 allegations in the shelter petition.

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

526           (a) Parents must take action to comply with the case plan  
527 so 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.

530           (b) Parents must stay in contact with their attorney and  
531 their caseworker. If the parents' phone number, mailing address,  
532 or e-mail address changes, the parents must provide the attorney  
533 and caseworker with updated contact information.

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

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

540           Section 6. Paragraph (c) of subsection (7) of section  
541 39.507, Florida Statutes, is amended to read:

542           39.507 Adjudicatory hearings; orders of adjudication.-

543           (7)

544           (c) If a court adjudicates a child dependent and the child  
545 is in out-of-home care, the court shall inquire of the parent or  
546 parents whether the parents have relatives who might be  
547 considered as a placement for the child. The parent or parents  
548 shall provide the court and all parties with identification and  
549 location information for such relatives. The court shall advise  
550 the parents in plain language that:

551           1. Parents must take action to comply with the case plan so

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552 reunification with the child may occur within the shortest  
553 period of time possible, but not more than 1 year after removal  
554 or adjudication of the child.

555 2. Parents must stay in contact with their attorney and  
556 their caseworker. If the parents' phone number, mailing address,  
557 or e-mail address changes, the parents must provide the attorney  
558 and caseworker with updated contact information.

559 3. Parents must notify the parties and the court of  
560 barriers to completing case plan tasks within a reasonable time  
561 after discovering such barriers.

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

567 Section 7. Paragraph (a) of subsection (1) of section  
568 39.521, Florida Statutes, is amended to read:

569 39.521 Disposition hearings; powers of disposition.—

570 (1) A disposition hearing shall be conducted by the court,  
571 if the court finds that the facts alleged in the petition for  
572 dependency were proven in the adjudicatory hearing, or if the  
573 parents or legal custodians have consented to the finding of  
574 dependency or admitted the allegations in the petition, have  
575 failed to appear for the arraignment hearing after proper  
576 notice, or have not been located despite a diligent search  
577 having been conducted.

578 (a) A written case plan and a family functioning assessment  
579 prepared by an authorized agent of the department must be  
580 approved by the court. The department must file the case plan

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581 and the family functioning assessment with the court, serve  
582 copies ~~a copy of the case plan~~ on the parents of the child, and  
583 provide copies ~~a copy of the case plan~~ to the representative of  
584 the guardian ad litem program, if the program has been  
585 appointed, and copies ~~a copy~~ to all other parties:

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

590 2. Not less than 72 hours before the case plan acceptance  
591 hearing, if the disposition hearing occurs before the 60th day  
592 after the date the child was placed in out-of-home care and a  
593 case plan has not been submitted pursuant to this paragraph, or  
594 if the court does not approve the case plan at the disposition  
595 hearing. The case plan acceptance hearing must occur within 30  
596 days after the disposition hearing to review and approve the  
597 case plan.

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

600 39.522 Postdisposition change of custody.—The court may  
601 change the temporary legal custody or the conditions of  
602 protective supervision at a postdisposition hearing, without the  
603 necessity of another adjudicatory hearing.

604 (1) At any time before a child achieves the permanency  
605 placement approved at the permanency hearing, a child who has  
606 been placed in the child's own home under the protective  
607 supervision of an authorized agent of the department, in the  
608 home of a relative, in the home of a legal custodian, or in some  
609 other place may be brought before the court by the department or

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610 by any other interested person, upon the filing of a motion  
611 ~~petition~~ alleging a need for a change in the conditions of  
612 protective supervision or the placement. If the parents or other  
613 legal custodians deny the need for a change, the court shall  
614 hear all parties in person or by counsel, or both. Upon the  
615 admission of a need for a change or after such hearing, the  
616 court shall enter an order changing the placement, modifying the  
617 conditions of protective supervision, or continuing the  
618 conditions of protective supervision as ordered. The standard  
619 for changing custody of the child shall be the best interest of  
620 the child. When applying this standard, the court shall consider  
621 the continuity of the child's placement in the same out-of-home  
622 residence as a factor when determining the best interests of the  
623 child. If the child is not placed in foster care, then the new  
624 placement for the child must meet the home study criteria and  
625 court approval pursuant to this chapter.

626 Section 9. Present subsections (4) through (8) of section  
627 39.6011, Florida Statutes, are redesignated as subsections (5)  
628 through (9), respectively, a new subsection (4) is added to that  
629 section, and paragraph (e) of subsection (2), subsection (3),  
630 and present subsection (6) of that section are amended, to read:

631 39.6011 Case plan development.—

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

636 (e) A written notice to the parent that it is the parents'  
637 responsibility to take action to comply with the case plan so  
638 reunification with the child may occur within the shortest

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639 period of time possible, but not more than 1 year after removal  
640 or adjudication of the child; the parent must notify the parties  
641 and the court of barriers to completing case plan tasks within a  
642 reasonable time after discovering such barriers; failure of the  
643 parent to substantially comply with the case plan may result in  
644 the termination of parental rights;~~;~~ and ~~that~~ a material breach  
645 of the case plan by the parent's action or inaction may result  
646 in the filing of a petition for termination of parental rights  
647 sooner than the compliance period set forth in the case plan.

648 (3) The case plan must be signed by all parties, except  
649 that the signature of a child may be waived if the child is not  
650 of an age or capacity to participate in the case-planning  
651 process. Signing the case plan constitutes an acknowledgment  
652 that the case plan has been developed by the parties and that  
653 they are in agreement as to the terms and conditions contained  
654 in the case plan. The refusal of a parent to sign the case plan  
655 does not prevent the court from accepting the case plan if the  
656 case plan is otherwise acceptable to the court. Signing the case  
657 plan does not constitute an admission to any allegation of  
658 abuse, abandonment, or neglect and does not constitute consent  
659 to a finding of dependency or termination of parental rights.

660 (4) Before signing the case plan, the department shall  
661 explain the provisions of the plan to all persons involved in  
662 its implementation, including, when appropriate, the child. The  
663 department shall ensure that the parent has contact information  
664 for all entities necessary to complete the tasks in the plan.  
665 The department shall explain the strategies included in the plan  
666 that the parent can use to overcome barriers to case plan  
667 compliance and that if a barrier is discovered and the parties

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668 are not actively working to overcome such barrier, the parent  
669 must notify the parties and the court within a reasonable time  
670 after discovering such barrier.

671 (7)~~(6)~~ After the case plan has been developed, the  
672 department shall adhere to the following procedural  
673 requirements:

674 (a) If the parent's substantial compliance with the case  
675 plan requires the department to provide services to the parents  
676 or the child and the parents agree to begin compliance with the  
677 case plan before the case plan's acceptance by the court, the  
678 department shall make the appropriate referrals for services  
679 that will allow the parents to begin the agreed-upon tasks and  
680 services immediately.

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

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

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

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



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697 submitted to the court before the disposition hearing for the  
698 court to review and approve.

699 3. After jurisdiction attaches, all case plans must be  
700 filed with the court, and a copy provided to all the parties  
701 whose whereabouts are known, not less than 3 business days  
702 before the disposition hearing. The department shall file with  
703 the court, and provide copies to the parties, all case plans  
704 prepared before jurisdiction of the court attached.

705 Section 10. Paragraph (b) of subsection (1) of section  
706 39.6012, Florida Statutes, is amended, paragraph (d) is added to  
707 subsection (1) of that section, to read:

708 39.6012 Case plan tasks; services.—

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

711 (b) The case plan must describe each of the tasks with  
712 which the parent must comply and the services to be provided to  
713 the parent, specifically addressing the identified problem,  
714 including:

715 1. The type of services or treatment.

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

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

720 4. The frequency of services or treatment provided. The  
721 frequency of the delivery of services or treatment provided  
722 shall be determined by the professionals providing the services  
723 or treatment on a case-by-case basis and adjusted according to  
724 their best professional judgment.

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

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726           6. The staff of the department or service provider  
727 accountable for the services or treatment.

728           7. A description of the measurable objectives, including  
729 the timeframes specified for achieving the objectives of the  
730 case plan and addressing the identified problem.

731           8. Strategies to overcome barriers to case plan compliance,  
732 including, but not limited to, the provision of contact  
733 information, information on acceptable alternative services or  
734 providers, and an explanation that the parent must notify the  
735 parties within a reasonable time of discovering a barrier that  
736 the parties are not actively working to overcome.

737           (d) Parents must provide accurate contact information to  
738 the department or the contracted case management agency and  
739 update such information as appropriate. Parents must make  
740 proactive contact with the department or the contracted case  
741 management agency at least every 14 calendar days to provide  
742 information on the status of case plan task completion, barriers  
743 to completion, and plans toward reunification.

744           Section 11. Present subsection (6) of section 39.6013,  
745 Florida Statutes, is redesignated as subsection (7), a new  
746 subsection (6) is added to that section, and present subsection  
747 (7) is amended, to read:

748           39.6013 Case plan amendments.—

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

754           (8)~~(7)~~ Amendments must include service interventions that

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755 are the least intrusive into the life of the parent and child,  
756 must focus on clearly defined objectives, and must provide the  
757 most efficient path to quick reunification or permanent  
758 placement given the circumstances of the case and the child's  
759 need for safe and proper care. A copy of the amended plan must  
760 be immediately given to the persons identified in s.  
761 39.6011(7)(c) ~~s. 39.6011(6)(b)~~.

762 Section 12. Present subsections (7) through (10) of section  
763 39.621, Florida Statutes, are redesignated as subsections (8)  
764 through (11), respectively, subsection (5) and present  
765 subsections (9), (10), and (11) are amended, and a new  
766 subsection (7) is added to that section, to read:

767 39.621 Permanency determination by the court.—

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

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

771 (b) When the child will achieve one of the permanency  
772 goals; ~~and~~

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

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

778 (7) If the court determines that the child's goal is  
779 appropriate but the child will be in out-of-home care for more  
780 than 12 months before achieving permanency, in those cases where  
781 the goal is reunification or adoption, the court shall hold  
782 permanency status hearings for the child every 60 days until the  
783 child reaches permanency or the court makes a determination that

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784 it is in the child's best interest to change the permanency  
785 goal.

786 (10)-(9) The case plan must list the tasks necessary to  
787 finalize the permanency placement and shall be updated at the  
788 permanency hearing unless the child will achieve permanency  
789 within 60 days after the hearing ~~if necessary~~. If a concurrent  
790 case plan is in place, the court may choose between the  
791 permanency goal options presented and shall approve the goal  
792 that is in the child's best interest.

793 (11)-(10) The permanency placement is intended to continue  
794 until the child reaches the age of majority and may not be  
795 disturbed absent a finding by the court that the circumstances  
796 of the permanency placement are no longer in the best interest  
797 of the child.

798 (a) If, after a child has achieved the permanency placement  
799 approved at the permanency hearing, a parent who has not had his  
800 or her parental rights terminated makes a motion for  
801 reunification or increased contact with the child, the court  
802 shall hold a hearing to determine whether the dependency case  
803 should be reopened and whether there should be a modification of  
804 the order.

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

808 (c)-(11) The court shall base its decision concerning any  
809 motion by a parent for reunification or increased contact with a  
810 child on the effect of the decision on the safety, well-being,  
811 and physical and emotional health of the child. Factors that  
812 must be considered and addressed in the findings of fact of the

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813 order on the motion must include:

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

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

818 3.~~(c)~~ The stability and longevity of the child's placement;

819 4.~~(d)~~ The preferences of the child, if the child is of  
820 sufficient age and understanding to express a preference;

821 5.~~(e)~~ The recommendation of the current custodian; and

822 6.~~(f)~~ The recommendation of the guardian ad litem, if one  
823 has been appointed.

824 Section 13. Paragraph (d) of subsection (2) of section  
825 39.701, Florida Statutes, is amended to read:

826 39.701 Judicial review.—

827 (2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF  
828 AGE.—

829 (d) *Orders.*—

830 1. Based upon the criteria set forth in paragraph (c) and  
831 the recommended order of the citizen review panel, if any, the  
832 court shall determine whether or not the social service agency  
833 shall initiate proceedings to have a child declared a dependent  
834 child, return the child to the parent, continue the child in  
835 out-of-home care for a specified period of time, or initiate  
836 termination of parental rights proceedings for subsequent  
837 placement in an adoptive home. Amendments to the case plan must  
838 be prepared as prescribed in s. 39.6013. If the court finds that  
839 the prevention or reunification efforts of the department will  
840 allow the child to remain safely at home or be safely returned  
841 to the home, the court shall allow the child to remain in or

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842 return to the home after making a specific finding of fact that  
843 the reasons for the creation of the case plan have been remedied  
844 to the extent that the child's safety, well-being, and physical,  
845 mental, and emotional health will not be endangered.

846 2. The court shall return the child to the custody of the  
847 parents at any time it determines that they have substantially  
848 complied with the case plan, if the court is satisfied that  
849 reunification will not be detrimental to the child's safety,  
850 well-being, and physical, mental, and emotional health.

851 3. If, in the opinion of the court, the social service  
852 agency has not complied with its obligations as specified in the  
853 written case plan, the court may find the social service agency  
854 in contempt, shall order the social service agency to submit its  
855 plans for compliance with the agreement, and shall require the  
856 social service agency to show why the child could not safely be  
857 returned to the home of the parents.

858 4. If, at any judicial review, the court finds that the  
859 parents have failed to substantially comply with the case plan  
860 to the degree that further reunification efforts are without  
861 merit and not in the best interest of the child, on its own  
862 motion, the court may order the filing of a petition for  
863 termination of parental rights, whether or not the time period  
864 as contained in the case plan for substantial compliance has  
865 expired.

866 5. Within 6 months after the date that the child was placed  
867 in shelter care, the court shall conduct a judicial review  
868 hearing to review the child's permanency goal as identified in  
869 the case plan. At the hearing the court shall make written  
870 findings regarding the parent or legal guardian's compliance

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871 with the case plan and demonstrable change in parental capacity  
872 to achieve timely reunification ~~likelihood of the child's~~  
873 ~~reunification with the parent or legal custodian~~ within 12  
874 months after the removal of the child from the home. The court  
875 shall consider the frequency, duration, manner, and level of  
876 engagement of the parent or legal custodian's visitation with  
877 the child in compliance with the case plan. If the court makes a  
878 written finding that it is not likely that the child will be  
879 reunified with the parent or legal custodian within 12 months  
880 after the child was removed from the home, the department must  
881 file with the court, and serve on all parties, a motion to amend  
882 the case plan under s. 39.6013 and declare that it will use  
883 concurrent planning for the case plan. The department must file  
884 the motion within 10 business days after receiving the written  
885 finding of the court. The department must attach the proposed  
886 amended case plan to the motion. If concurrent planning is  
887 already being used, the department must file with the court, and  
888 serve on all parties, a motion to amend the case plan to reflect  
889 the concurrent goal as the child's primary permanency goal,  
890 document the efforts the department is taking to complete the  
891 concurrent goal, and identify any additional services needed to  
892 reach the permanency goal by a date certain. The court may allow  
893 the parties to continue to pursue a secondary goal if the court  
894 determines that is in the best interest of the child ~~case plan~~  
895 ~~must document the efforts the department is taking to complete~~  
896 ~~the concurrent goal.~~

897 6. The court may issue a protective order in assistance, or  
898 as a condition, of any other order made under this part. In  
899 addition to the requirements included in the case plan, the

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900 protective order may set forth requirements relating to  
901 reasonable conditions of behavior to be observed for a specified  
902 period of time by a person or agency who is before the court;  
903 and the order may require any person or agency to make periodic  
904 reports to the court containing such information as the court in  
905 its discretion may prescribe.

906 Section 14. Paragraph (e) of subsection (1) of section  
907 39.806, Florida Statutes, is amended to read:

908 39.806 Grounds for termination of parental rights.—

909 (1) Grounds for the termination of parental rights may be  
910 established under any of the following circumstances:

911 (e) When a child has been adjudicated dependent, a case  
912 plan has been filed with the court, and:

913 1. The child continues to be abused, neglected, or  
914 abandoned by the parent or parents. The failure of the parent or  
915 parents to substantially comply with the case plan for a period  
916 of 12 months after an adjudication of the child as a dependent  
917 child or the child's placement into shelter care, whichever  
918 occurs first, constitutes evidence of continuing abuse, neglect,  
919 or abandonment unless the failure to substantially comply with  
920 the case plan was due to the parent's lack of financial  
921 resources or to the failure of the department to make reasonable  
922 efforts to reunify the parent and child. The 12-month period  
923 begins to run only after the child's placement into shelter care  
924 or the entry of a disposition order placing the custody of the  
925 child with the department or a person other than the parent and  
926 the court's approval of a case plan having the goal of  
927 reunification with the parent, whichever occurs first; or

928 2. The parent or parents have materially breached the case



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929 plan by their action or inaction. Time is of the essence for  
930 permanency of children in the dependency system. In order to  
931 prove the parent or parents have materially breached the case  
932 plan, the court must find by clear and convincing evidence that  
933 the parent or parents are unlikely or unable to substantially  
934 comply with the case plan before time to comply with the case  
935 plan expires.

936 3. The child has been in care for any 12 of the last 22  
937 months and the parents have not substantially complied with the  
938 case plan so as to permit reunification under s. 39.522(2)  
939 unless the failure to substantially comply with the case plan  
940 was due to the parent's lack of financial resources or to the  
941 failure of the department to make reasonable efforts to reunify  
942 the parent and child.

943 Section 15. Subsection (5) of section 39.811, Florida  
944 Statutes, is amended to read:

945 39.811 Powers of disposition; order of disposition.—

946 (5) If the court terminates parental rights, the court  
947 shall enter a written order of disposition within 30 days after  
948 conclusion of the hearing briefly stating the facts upon which  
949 its decision to terminate the parental rights is made. An order  
950 of termination of parental rights, whether based on parental  
951 consent or after notice served as prescribed in this part,  
952 permanently deprives the parents of any right to the child.

953 Section 16. This act shall take effect July 1, 2018.