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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/05/2020	.	
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The Committee on Children, Families, and Elder Affairs (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 25.385, Florida Statutes, is amended to  
read:

25.385 Standards for instruction of circuit and county  
court judges ~~in handling domestic violence cases.~~

(1) The Florida Court Educational Council shall establish  
standards for instruction of circuit and county court judges who



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11 have responsibility for domestic violence cases, and the council  
12 shall provide such instruction on a periodic and timely basis.

13 ~~(2)~~ As used in this section:

14 (a) The term "domestic violence" has the meaning set forth  
15 in s. 741.28.

16 (b) "Family or household member" has the meaning set forth  
17 in s. 741.28.

18 (2) The Florida Court Educational Council shall establish  
19 standards for instruction of circuit court judges who have  
20 responsibility for dependency cases. The standards for  
21 instruction must be consistent with and reinforce the purposes  
22 of chapter 39, with emphasis on ensuring that a permanent  
23 placement is achieved as soon as possible and that a child  
24 should not remain in foster care for longer than 1 year. This  
25 instruction must be provided on a periodic and timely basis and  
26 may be provided by or in consultation with current or retired  
27 judges, the Department of Children and Families, or the  
28 Statewide Guardian Ad Litem Office established in s. 39.8296.

29 Section 2. Subsection (7) of section 39.205, Florida  
30 Statutes, is amended to read:

31 39.205 Penalties relating to reporting of child abuse,  
32 abandonment, or neglect.—

33 (7) The department shall establish procedures for  
34 determining whether a false report of child abuse, abandonment,  
35 or neglect has been made and for submitting all identifying  
36 information relating to such a report to the appropriate law  
37 enforcement agency and ~~shall report annually to the Legislature~~  
38 ~~the number of reports referred.~~

39 Section 3. Subsection (7) of section 39.302, Florida



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40 Statutes, is amended to read:

41 39.302 Protective investigations of institutional child  
42 abuse, abandonment, or neglect.—

43 (7) When an investigation of institutional abuse, neglect,  
44 or abandonment is closed and a person is not identified as a  
45 caregiver responsible for the abuse, neglect, or abandonment  
46 alleged in the report, the fact that the person is named in some  
47 capacity in the report may not be used in any way to adversely  
48 affect the interests of that person. This prohibition applies to  
49 any use of the information in employment screening, licensing,  
50 child placement, adoption, or any other decisions by a private  
51 adoption agency or a state agency or its contracted providers.

52 (a) However, if such a person is a licensee of the  
53 department and is named in any capacity in a report ~~three or~~  
54 ~~more reports~~ within a 5-year period, the department must ~~may~~  
55 review the report ~~those reports~~ and determine whether the  
56 information contained in the report ~~reports~~ is relevant for  
57 purposes of determining whether the person's license should be  
58 renewed or revoked. If the information is relevant to the  
59 decision to renew or revoke the license, the department may rely  
60 on the information contained in the report in making that  
61 decision.

62 (b) Likewise, if a person is employed as a caregiver in a  
63 residential group home licensed pursuant to s. 409.175 and is  
64 named in any capacity in a report ~~three or more reports~~ within a  
65 5-year period, the department must ~~may~~ review the report ~~all~~  
66 ~~reports~~ for the purposes of the employment screening as defined  
67 in s. 409.175(2)(m) ~~required pursuant to s. 409.145(2)(e)~~.

68 Section 4. Subsection (6) of section 39.407, Florida



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69 Statutes, is amended to read:

70 39.407 Medical, psychiatric, and psychological examination  
71 and treatment of child; physical, mental, or substance abuse  
72 examination of person with or requesting child custody.—

73 (6) Children who are in the legal custody of the department  
74 may be placed by the department, without prior approval of the  
75 court, in a residential treatment center licensed under s.  
76 394.875 or a hospital licensed under chapter 395 for residential  
77 mental health treatment only as provided in ~~pursuant to~~ this  
78 section or may be placed by the court in accordance with an  
79 order of involuntary examination or involuntary placement  
80 entered under ~~pursuant to~~ s. 394.463 or s. 394.467. All children  
81 placed in a residential treatment program under this subsection  
82 must have a guardian ad litem appointed.

83 (a) As used in this subsection, the term:

84 1. "Residential treatment" means placement for observation,  
85 diagnosis, or treatment of an emotional disturbance in a  
86 residential treatment center licensed under s. 394.875 or a  
87 hospital licensed under chapter 395.

88 2. "Least restrictive alternative" means the treatment and  
89 conditions of treatment that, separately and in combination, are  
90 no more intrusive or restrictive of freedom than reasonably  
91 necessary to achieve a substantial therapeutic benefit or to  
92 protect the child or adolescent or others from physical injury.

93 3. "Suitable for residential treatment" or "suitability"  
94 means a determination concerning a child or adolescent with an  
95 emotional disturbance as defined in s. 394.492(5) or a serious  
96 emotional disturbance as defined in s. 394.492(6) that each of  
97 the following criteria is met:



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98 a. The child requires residential treatment.

99 b. The child is in need of a residential treatment program  
100 and is expected to benefit from mental health treatment.

101 c. An appropriate, less restrictive alternative to  
102 residential treatment is unavailable.

103 (b) Whenever the department believes that a child in its  
104 legal custody is emotionally disturbed and may need residential  
105 treatment, an examination and suitability assessment must be  
106 conducted by a qualified evaluator who is appointed by the  
107 department ~~Agency for Health Care Administration~~. This  
108 suitability assessment must be completed before the placement of  
109 the child in a residential treatment center for emotionally  
110 disturbed children and adolescents or a hospital. The qualified  
111 evaluator must be a psychiatrist or a psychologist licensed in  
112 Florida who has at least 3 years of experience in the diagnosis  
113 and treatment of serious emotional disturbances in children and  
114 adolescents and who has no actual or perceived conflict of  
115 interest with any inpatient facility or residential treatment  
116 center or program.

117 (c) Before a child is admitted under this subsection, the  
118 child shall be assessed for suitability for residential  
119 treatment by a qualified evaluator who has conducted a personal  
120 examination and assessment of the child and has made written  
121 findings that:

122 1. The child appears to have an emotional disturbance  
123 serious enough to require residential treatment and is  
124 reasonably likely to benefit from the treatment.

125 2. The child has been provided with a clinically  
126 appropriate explanation of the nature and purpose of the



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127 treatment.

128         3. All available modalities of treatment less restrictive  
129 than residential treatment have been considered, and a less  
130 restrictive alternative that would offer comparable benefits to  
131 the child is unavailable.

132

133 A copy of the written findings of the evaluation and suitability  
134 assessment must be provided to the department, to the guardian  
135 ad litem, and, if the child is a member of a Medicaid managed  
136 care plan, to the plan that is financially responsible for the  
137 child's care in residential treatment, all of whom must be  
138 provided with the opportunity to discuss the findings with the  
139 evaluator.

140         (d) Immediately upon placing a child in a residential  
141 treatment program under this section, the department must notify  
142 the guardian ad litem and the court having jurisdiction over the  
143 child and must provide the guardian ad litem and the court with  
144 a copy of the assessment by the qualified evaluator.

145         (e) Within 10 days after the admission of a child to a  
146 residential treatment program, the director of the residential  
147 treatment program or the director's designee must ensure that an  
148 individualized plan of treatment has been prepared by the  
149 program and has been explained to the child, to the department,  
150 and to the guardian ad litem, and submitted to the department.  
151 The child must be involved in the preparation of the plan to the  
152 maximum feasible extent consistent with his or her ability to  
153 understand and participate, and the guardian ad litem and the  
154 child's foster parents must be involved to the maximum extent  
155 consistent with the child's treatment needs. The plan must



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156 include a preliminary plan for residential treatment and  
157 aftercare upon completion of residential treatment. The plan  
158 must include specific behavioral and emotional goals against  
159 which the success of the residential treatment may be measured.  
160 A copy of the plan must be provided to the child, to the  
161 guardian ad litem, and to the department.

162 (f) Within 30 days after admission, the residential  
163 treatment program must review the appropriateness and  
164 suitability of the child's placement in the program. The  
165 residential treatment program must determine whether the child  
166 is receiving benefit toward the treatment goals and whether the  
167 child could be treated in a less restrictive treatment program.  
168 The residential treatment program shall prepare a written report  
169 of its findings and submit the report to the guardian ad litem  
170 and to the department. The department must submit the report to  
171 the court. The report must include a discharge plan for the  
172 child. The residential treatment program must continue to  
173 evaluate the child's treatment progress every 30 days thereafter  
174 and must include its findings in a written report submitted to  
175 the department. The department may not reimburse a facility  
176 until the facility has submitted every written report that is  
177 due.

178 (g)1. The department must submit, at the beginning of each  
179 month, to the court having jurisdiction over the child, a  
180 written report regarding the child's progress toward achieving  
181 the goals specified in the individualized plan of treatment.

182 2. The court must conduct a hearing to review the status of  
183 the child's residential treatment plan no later than 60 days  
184 after the child's admission to the residential treatment



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185 program. An independent review of the child's progress toward  
186 achieving the goals and objectives of the treatment plan must be  
187 completed by a qualified evaluator and submitted to the court  
188 before its 60-day review.

189 3. For any child in residential treatment at the time a  
190 judicial review is held pursuant to s. 39.701, the child's  
191 continued placement in residential treatment must be a subject  
192 of the judicial review.

193 4. If at any time the court determines that the child is  
194 not suitable for continued residential treatment, the court  
195 shall order the department to place the child in the least  
196 restrictive setting that is best suited to meet his or her  
197 needs.

198 (h) After the initial 60-day review, the court must conduct  
199 a review of the child's residential treatment plan every 90  
200 days.

201 (i) The department must adopt rules for implementing  
202 timeframes for the completion of suitability assessments by  
203 qualified evaluators and a procedure that includes timeframes  
204 for completing the 60-day independent review by the qualified  
205 evaluators of the child's progress toward achieving the goals  
206 and objectives of the treatment plan which review must be  
207 submitted to the court. The Agency for Health Care  
208 Administration must adopt rules for the registration of  
209 qualified evaluators, the procedure for selecting the evaluators  
210 to conduct the reviews required under this section, and a  
211 reasonable, cost-efficient fee schedule for qualified  
212 evaluators.

213 Section 5. Section 39.5035, Florida Statutes, is created to





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214 read:

215 39.5035 Deceased parents; special procedures.-

216 (1) (a) 1. If both parents of a child are deceased and a  
217 legal custodian has not been appointed for the child through a  
218 probate or guardianship proceeding, then an attorney for the  
219 department or any other person, who has knowledge of the facts  
220 whether alleged or is informed of the alleged facts and believes  
221 them to be true, may initiate a proceeding by filing a petition  
222 for adjudication and permanent commitment.

223 2. If a child has been placed in shelter status by order of  
224 the court but has not yet been adjudicated, a petition for  
225 adjudication and permanent commitment must be filed within 21  
226 days after the shelter hearing. In all other cases, the petition  
227 must be filed within a reasonable time after the date the child  
228 was referred to protective investigation or after the petitioner  
229 first becomes aware of the facts that support the petition for  
230 adjudication and permanent commitment.

231 (b) If both parents or the last living parent dies after a  
232 child has already been adjudicated dependent, an attorney for  
233 the department or any other person who has knowledge of the  
234 facts alleged or is informed of the alleged facts and believes  
235 them to be true may file a petition for permanent commitment.

236 (2) The petition:

237 (a) Must be in writing, identify the alleged deceased  
238 parents, and provide facts that establish that both parents of  
239 the child are deceased and that a legal custodian has not been  
240 appointed for the child through a probate or guardianship  
241 proceeding.

242 (b) Must be signed by the petitioner under oath stating the



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243 petitioner's good faith in filing the petition.

244 (3) When a petition for adjudication and permanent  
245 commitment or a petition for permanent commitment has been  
246 filed, the clerk of court shall set the case before the court  
247 for an adjudicatory hearing. The adjudicatory hearing must be  
248 held as soon as practicable after the petition is filed, but no  
249 later than 30 days after the filing date.

250 (4) Notice of the date, time, and place of the adjudicatory  
251 hearing and a copy of the petition must be served on the  
252 following persons:

253 (a) Any person who has physical custody of the child.

254 (b) A living relative of each parent of the child, unless a  
255 living relative cannot be found after a diligent search and  
256 inquiry.

257 (c) The guardian ad litem for the child or the  
258 representative of the guardian ad litem program, if the program  
259 has been appointed.

260 (5) Adjudicatory hearings shall be conducted by the judge  
261 without a jury, applying the rules of evidence in use in civil  
262 cases and adjourning the hearings from time to time as  
263 necessary. At the hearing, the judge must determine whether the  
264 petitioner has established by clear and convincing evidence that  
265 both parents of the child are deceased and that a legal  
266 custodian has not been appointed for the child through a probate  
267 or guardianship proceeding. A certified copy of the death  
268 certificate for each parent is sufficient evidence of proof of  
269 the parents' deaths.

270 (6) Within 30 days after an adjudicatory hearing on a  
271 petition for adjudication and permanent commitment:



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272       (a) If the court finds that the petitioner has met the  
273 clear and convincing standard, the court shall enter a written  
274 order adjudicating the child dependent and permanently  
275 committing the child to the custody of the department for the  
276 purpose of adoption. A disposition hearing shall be scheduled no  
277 later than 30 days after the entry of the order, in which the  
278 department shall provide a case plan that identifies the  
279 permanency goal for the child to the court. Reasonable efforts  
280 must be made to place the child in a timely manner in accordance  
281 with the permanency plan and to complete all steps necessary to  
282 finalize the permanent placement of the child. Thereafter, until  
283 the adoption of the child is finalized or the child reaches the  
284 age of 18 years, whichever occurs first, the court shall hold  
285 hearings every 6 months to review the progress being made toward  
286 permanency for the child.

287       (b) If the court finds that clear and convincing evidence  
288 does not establish that both parents of a child are deceased and  
289 that a legal custodian has not been appointed for the child  
290 through a probate or guardianship proceeding, but that a  
291 preponderance of the evidence establishes that the child does  
292 not have a parent or legal custodian capable of providing  
293 supervision or care, the court shall enter a written order  
294 adjudicating the child dependent. A disposition hearing shall be  
295 scheduled no later than 30 days after the entry of the order as  
296 provided in s. 39.521.

297       (c) If the court finds that clear and convincing evidence  
298 does not establish that both parents of a child are deceased and  
299 that a legal custodian has not been appointed for the child  
300 through a probate or guardianship proceeding and that a



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301 preponderance of the evidence does not establish that the child  
302 does not have a parent or legal custodian capable of providing  
303 supervision or care, the court shall enter a written order so  
304 finding and dismissing the petition.

305 (7) Within 30 days after an adjudicatory hearing on a  
306 petition for permanent commitment:

307 (a) If the court finds that the petitioner has met the  
308 clear and convincing standard, the court shall enter a written  
309 order permanently committing the child to the custody of the  
310 department for purposes of adoption. A disposition hearing shall  
311 be scheduled no later than 30 days after the entry of the order,  
312 in which the department shall provide an amended case plan that  
313 identifies the permanency goal for the child to the court.  
314 Reasonable efforts must be made to place the child in a timely  
315 manner in accordance with the permanency plan and to complete  
316 all steps necessary to finalize the permanent placement of the  
317 child. Thereafter, until the adoption of the child is finalized  
318 or the child reaches the age of 18 years, whichever occurs  
319 first, the court shall hold hearings every 6 months to review  
320 the progress being made toward permanency for the child.

321 (b) If the court finds that clear and convincing evidence  
322 does not establish that both parents of a child are deceased and  
323 that a legal custodian has not been appointed for the child  
324 through a probate or guardianship proceeding, the court shall  
325 enter a written order denying the petition. The order has no  
326 effect on the child's prior adjudication. The order does not bar  
327 the petitioner from filing a subsequent petition for permanent  
328 commitment based on newly discovered evidence that establishes  
329 that both parents of a child are deceased and that a legal



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330 custodian has not been appointed for the child through a probate  
331 or guardianship proceeding.

332 Section 6. Paragraph (c) of subsection (1) and subsections  
333 (3) and (7) of section 39.521, Florida Statutes, are amended to  
334 read:

335 39.521 Disposition hearings; powers of disposition.—

336 (1) A disposition hearing shall be conducted by the court,  
337 if the court finds that the facts alleged in the petition for  
338 dependency were proven in the adjudicatory hearing, or if the  
339 parents or legal custodians have consented to the finding of  
340 dependency or admitted the allegations in the petition, have  
341 failed to appear for the arraignment hearing after proper  
342 notice, or have not been located despite a diligent search  
343 having been conducted.

344 (c) When any child is adjudicated by a court to be  
345 dependent, the court having jurisdiction of the child has the  
346 power by order to:

347 1. Require the parent and, when appropriate, the legal  
348 guardian or the child to participate in treatment and services  
349 identified as necessary. The court may require the person who  
350 has custody or who is requesting custody of the child to submit  
351 to a mental health or substance abuse disorder assessment or  
352 evaluation. The order may be made only upon good cause shown and  
353 pursuant to notice and procedural requirements provided under  
354 the Florida Rules of Juvenile Procedure. The mental health  
355 assessment or evaluation must be administered by a qualified  
356 professional as defined in s. 39.01, and the substance abuse  
357 assessment or evaluation must be administered by a qualified  
358 professional as defined in s. 397.311. The court may also



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359 require such person to participate in and comply with treatment  
360 and services identified as necessary, including, when  
361 appropriate and available, participation in and compliance with  
362 a mental health court program established under chapter 394 or a  
363 treatment-based drug court program established under s. 397.334.  
364 Adjudication of a child as dependent based upon evidence of harm  
365 as defined in s. 39.01(35)(g) demonstrates good cause, and the  
366 court shall require the parent whose actions caused the harm to  
367 submit to a substance abuse disorder assessment or evaluation  
368 and to participate and comply with treatment and services  
369 identified in the assessment or evaluation as being necessary.  
370 In addition to supervision by the department, the court,  
371 including the mental health court program or the treatment-based  
372 drug court program, may oversee the progress and compliance with  
373 treatment by a person who has custody or is requesting custody  
374 of the child. The court may impose appropriate available  
375 sanctions for noncompliance upon a person who has custody or is  
376 requesting custody of the child or make a finding of  
377 noncompliance for consideration in determining whether an  
378 alternative placement of the child is in the child's best  
379 interests. Any order entered under this subparagraph may be made  
380 only upon good cause shown. This subparagraph does not authorize  
381 placement of a child with a person seeking custody of the child,  
382 other than the child's parent or legal custodian, who requires  
383 mental health or substance abuse disorder treatment.

384       2. Require, if the court deems necessary, the parties to  
385 participate in dependency mediation.

386       3. Require placement of the child either under the  
387 protective supervision of an authorized agent of the department



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388 in the home of one or both of the child's parents or in the home  
389 of a relative of the child or another adult approved by the  
390 court, or in the custody of the department. ~~Protective~~  
391 ~~supervision continues until the court terminates it or until the~~  
392 ~~child reaches the age of 18, whichever date is first. Protective~~  
393 ~~supervision shall be terminated by the court whenever the court~~  
394 ~~determines that permanency has been achieved for the child,~~  
395 ~~whether with a parent, another relative, or a legal custodian,~~  
396 ~~and that protective supervision is no longer needed. The~~  
397 ~~termination of supervision may be with or without retaining~~  
398 ~~jurisdiction, at the court's discretion, and shall in either~~  
399 ~~case be considered a permanency option for the child. The order~~  
400 ~~terminating supervision by the department must set forth the~~  
401 ~~powers of the custodian of the child and include the powers~~  
402 ~~ordinarily granted to a guardian of the person of a minor unless~~  
403 ~~otherwise specified. Upon the court's termination of supervision~~  
404 ~~by the department, further judicial reviews are not required if~~  
405 ~~permanency has been established for the child.~~

406 4. Determine whether the child has a strong attachment to  
407 the prospective permanent guardian and whether such guardian has  
408 a strong commitment to permanently caring for the child.

409 (3) When any child is adjudicated by a court to be  
410 dependent, the court shall determine the appropriate placement  
411 for the child as follows:

412 (a) If the court determines that the child can safely  
413 remain in the home with the parent with whom the child was  
414 residing at the time the events or conditions arose that brought  
415 the child within the jurisdiction of the court and that  
416 remaining in this home is in the best interest of the child,



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417 then the court shall order conditions under which the child may  
418 remain or return to the home and that this placement be under  
419 the protective supervision of the department for not less than 6  
420 months.

421 (b) If there is a parent with whom the child was not  
422 residing at the time the events or conditions arose that brought  
423 the child within the jurisdiction of the court who desires to  
424 assume custody of the child, the court shall place the child  
425 with that parent upon completion of a home study, unless the  
426 court finds that such placement would endanger the safety, well-  
427 being, or physical, mental, or emotional health of the child.  
428 Any party with knowledge of the facts may present to the court  
429 evidence regarding whether the placement will endanger the  
430 safety, well-being, or physical, mental, or emotional health of  
431 the child. If the court places the child with such parent, it  
432 may do either of the following:

433 1. Order that the parent assume sole custodial  
434 responsibilities for the child. The court may also provide for  
435 reasonable visitation by the noncustodial parent. The court may  
436 then terminate its jurisdiction over the child.

437 2. Order that the parent assume custody subject to the  
438 jurisdiction of the circuit court hearing dependency matters.  
439 The court may order that reunification services be provided to  
440 the parent from whom the child has been removed, that services  
441 be provided solely to the parent who is assuming physical  
442 custody in order to allow that parent to retain later custody  
443 without court jurisdiction, or that services be provided to both  
444 parents, in which case the court shall determine at every review  
445 hearing which parent, if either, shall have custody of the





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446 child. The standard for changing custody of the child from one  
447 parent to another or to a relative or another adult approved by  
448 the court shall be the best interest of the child.

449 (c) If no fit parent is willing or available to assume care  
450 and custody of the child, place the child in the temporary legal  
451 custody of an adult relative, the adoptive parent of the child's  
452 sibling, or another adult approved by the court who is willing  
453 to care for the child, under the protective supervision of the  
454 department. The department must supervise this placement until  
455 the child reaches permanency status in this home, and in no case  
456 for a period of less than 6 months. Permanency in a relative  
457 placement shall be by adoption, long-term custody, or  
458 guardianship.

459 (d) If the child cannot be safely placed in a nonlicensed  
460 placement, the court shall commit the child to the temporary  
461 legal custody of the department. Such commitment invests in the  
462 department all rights and responsibilities of a legal custodian.  
463 The department may ~~shall~~ not return any child to the physical  
464 care and custody of the person from whom the child was removed,  
465 except for court-approved visitation periods, without the  
466 approval of the court. Any order for visitation or other contact  
467 must conform to the provisions of s. 39.0139. The term of such  
468 commitment continues until terminated by the court or until the  
469 child reaches the age of 18. After the child is committed to the  
470 temporary legal custody of the department, all further  
471 proceedings under this section are governed by this chapter.

472  
473 ~~Protective supervision continues until the court terminates it~~  
474 ~~or until the child reaches the age of 18, whichever date is~~



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475 ~~first. Protective supervision shall be terminated by the court~~  
476 ~~whenever the court determines that permanency has been achieved~~  
477 ~~for the child, whether with a parent, another relative, or a~~  
478 ~~legal custodian, and that protective supervision is no longer~~  
479 ~~needed. The termination of supervision may be with or without~~  
480 ~~retaining jurisdiction, at the court's discretion, and shall in~~  
481 ~~either case be considered a permanency option for the child. The~~  
482 ~~order terminating supervision by the department shall set forth~~  
483 ~~the powers of the custodian of the child and shall include the~~  
484 ~~powers ordinarily granted to a guardian of the person of a minor~~  
485 ~~unless otherwise specified. Upon the court's termination of~~  
486 ~~supervision by the department, no further judicial reviews are~~  
487 ~~required, so long as permanency has been established for the~~  
488 ~~child.~~

489 ~~(7) The court may enter an order ending its jurisdiction~~  
490 ~~over a child when a child has been returned to the parents,~~  
491 ~~provided the court shall not terminate its jurisdiction or the~~  
492 ~~department's supervision over the child until 6 months after the~~  
493 ~~child's return. The department shall supervise the placement of~~  
494 ~~the child after reunification for at least 6 months with each~~  
495 ~~parent or legal custodian from whom the child was removed. The~~  
496 ~~court shall determine whether its jurisdiction should be~~  
497 ~~continued or terminated in such a case based on a report of the~~  
498 ~~department or agency or the child's guardian ad litem, and any~~  
499 ~~other relevant factors; if its jurisdiction is to be terminated,~~  
500 ~~the court shall enter an order to that effect.~~

501 Section 7. Section 39.522, Florida Statutes, is amended to  
502 read:

503 39.522 Postdisposition change of custody.—The court may



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504 change the temporary legal custody or the conditions of  
505 protective supervision at a postdisposition hearing, without the  
506 necessity of another adjudicatory hearing. If a child has been  
507 returned to the parent and is under protective supervision by  
508 the department and the child is later removed again from the  
509 parent's custody, any modifications of placement shall be done  
510 under this section.

511 (1) At any time, an authorized agent of the department or a  
512 law enforcement officer may remove a child from a court-ordered  
513 placement and take the child into custody if the child's current  
514 caregiver requests immediate removal of the child from the home  
515 or if there is probable cause as required in s. 39.401(1)(b).  
516 The department shall file a motion to modify placement within 1  
517 business day after the child is taken into custody. Unless all  
518 parties agree to the change of placement, the court must set a  
519 hearing within 24 hours after the filing of the motion. At the  
520 hearing, the court shall determine whether the department has  
521 established probable cause to support the immediate removal of  
522 the child from his or her current placement. The court may base  
523 its determination on a sworn petition, testimony, or an  
524 affidavit and may hear all relevant and material evidence,  
525 including oral or written reports, to the extent of its  
526 probative value even though it would not be competent evidence  
527 at an adjudicatory hearing. If the court finds that probable  
528 cause is not established to support the removal of the child  
529 from the placement, the court shall order that the child be  
530 returned to his or her current placement. If the caregiver  
531 admits to a need for a change of placement or probable cause is  
532 established to support the removal, the court shall enter an



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533 order changing the placement of the child. If the child is not  
534 placed in foster care, then the new placement for the child must  
535 meet the home study criteria in chapter 39. If the child's  
536 placement is modified based on a probable cause finding, the  
537 court must conduct a subsequent evidentiary hearing, unless  
538 waived by all parties, on the motion to determine whether the  
539 department has established by a preponderance of the evidence  
540 that maintaining the new placement of the child is in the best  
541 interest of the child. The court shall consider the continuity  
542 of the child's placement in the same out-of-home residence as a  
543 factor when determining the best interests of the child.

544 (2) ~~(1)~~ At any time before a child is residing in the  
545 permanent placement approved at the permanency hearing, a child  
546 who has been placed in the child's own home under the protective  
547 supervision of an authorized agent of the department, in the  
548 home of a relative, in the home of a legal custodian, or in some  
549 other place may be brought before the court by the department or  
550 by any other party ~~interested person~~, upon the filing of a  
551 petition ~~motion~~ alleging a need for a change in the conditions  
552 of protective supervision or the placement. If the parents or  
553 other legal custodians deny the need for a change, the court  
554 shall hear all parties in person or by counsel, or both. Upon  
555 the admission of a need for a change or after such hearing, the  
556 court shall enter an order changing the placement, modifying the  
557 conditions of protective supervision, or continuing the  
558 conditions of protective supervision as ordered. The standard  
559 for changing custody of the child is determined by a  
560 preponderance of the evidence that establishes that a change is  
561 in ~~shall be~~ the best interest of the child. When applying this



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562 standard, the court shall consider the continuity of the child's  
563 placement in the same out-of-home residence as a factor when  
564 determining the best interests of the child. If the child is not  
565 placed in foster care, then the new placement for the child must  
566 meet the home study criteria and court approval under ~~pursuant~~  
567 ~~to~~ this chapter.

568 (3)~~(2)~~ In cases where the issue before the court is whether  
569 a child should be reunited with a parent, the court shall review  
570 the conditions for return and determine whether the  
571 circumstances that caused the out-of-home placement and issues  
572 subsequently identified have been remedied to the extent that  
573 the return of the child to the home with an in-home safety plan  
574 prepared or approved by the department will not be detrimental  
575 to the child's safety, well-being, and physical, mental, and  
576 emotional health.

577 (4)~~(3)~~ In cases where the issue before the court is whether  
578 a child who is placed in the custody of a parent should be  
579 reunited with the other parent upon a finding that the  
580 circumstances that caused the out-of-home placement and issues  
581 subsequently identified have been remedied to the extent that  
582 the return of the child to the home of the other parent with an  
583 in-home safety plan prepared or approved by the department will  
584 not be detrimental to the child, the standard shall be that the  
585 safety, well-being, and physical, mental, and emotional health  
586 of the child would not be endangered by reunification and that  
587 reunification would be in the best interest of the child.

588 Section 8. Subsection (8) of section 39.6011, Florida  
589 Statutes, is amended to read:

590 39.6011 Case plan development.—



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591 (8) The case plan must be filed with the court and copies  
592 provided to all parties, including the child if appropriate:  
593 ~~not less than 3 business days before the disposition hearing.~~

594 (a) Not less than 72 hours before the disposition hearing,  
595 if the disposition hearing occurs on or after the 60th day after  
596 the date the child was placed in out-of-home care; or

597 (b) Not less than 72 hours before the case plan acceptance  
598 hearing, if the disposition hearing occurs before the 60th day  
599 after the date the child was placed in out-of-home care and a  
600 case plan has not been submitted under this subsection, or if  
601 the court does not approve the case plan at the disposition  
602 hearing.

603 Section 9. Paragraph (a) of subsection (3) of section  
604 39.801, Florida Statutes, is amended to read:

605 39.801 Procedures and jurisdiction; notice; service of  
606 process.—

607 (3) Before the court may terminate parental rights, in  
608 addition to the other requirements set forth in this part, the  
609 following requirements must be met:

610 (a) Notice of the date, time, and place of the advisory  
611 hearing for the petition to terminate parental rights and a copy  
612 of the petition must be personally served upon the following  
613 persons, specifically notifying them that a petition has been  
614 filed:

615 1. The parents of the child.

616 2. The legal custodians of the child.

617 3. If the parents who would be entitled to notice are dead  
618 or unknown, a living relative of the child, unless upon diligent  
619 search and inquiry no such relative can be found.



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620           4. Any person who has physical custody of the child.  
621           5. Any grandparent entitled to priority for adoption under  
622 s. 63.0425.  
623           6. Any prospective parent who has been identified and  
624 located under s. 39.503 or s. 39.803, unless a court order has  
625 been entered pursuant to s. 39.503(4) or (9) or s. 39.803(4) or  
626 (9) which indicates no further notice is required. Except as  
627 otherwise provided in this section, if there is not a legal  
628 father, notice of the petition for termination of parental  
629 rights must be provided to any known prospective father who is  
630 identified under oath before the court or who is identified and  
631 located by a diligent search of the Florida Putative Father  
632 Registry. Service of the notice of the petition for termination  
633 of parental rights is not required if the prospective father  
634 executes an affidavit of nonpaternity or a consent to  
635 termination of his parental rights which is accepted by the  
636 court after notice and opportunity to be heard by all parties to  
637 address the best interests of the child in accepting such  
638 affidavit.  
639           7. The guardian ad litem for the child or the  
640 representative of the guardian ad litem program, if the program  
641 has been appointed.  
642  
643 The document containing the notice to respond or appear must  
644 contain, in type at least as large as the type in the balance of  
645 the document, the following or substantially similar language:  
646 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING  
647 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF  
648 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND



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649 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE  
650 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS  
651 NOTICE.”

652 Section 10. Paragraph (e) of subsection (1) and subsection  
653 (2) of section 39.806, Florida Statutes, are amended to read:

654 39.806 Grounds for termination of parental rights.—

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

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

659 1. The child continues to be abused, neglected, or  
660 abandoned by the parent or parents. The failure of the parent or  
661 parents to substantially comply with the case plan for a period  
662 of 12 months after an adjudication of the child as a dependent  
663 child or the child’s placement into shelter care, whichever  
664 occurs first, constitutes evidence of continuing abuse, neglect,  
665 or abandonment unless the failure to substantially comply with  
666 the case plan was due to the parent’s lack of financial  
667 resources or to the failure of the department to make reasonable  
668 efforts to reunify the parent and child. The 12-month period  
669 begins to run only after the child’s placement into shelter care  
670 or the entry of a disposition order placing the custody of the  
671 child with the department or a person other than the parent and  
672 the court’s approval of a case plan having the goal of  
673 reunification with the parent, whichever occurs first; ~~or~~

674 2. The parent or parents have materially breached the case  
675 plan by their action or inaction. Time is of the essence for  
676 permanency of children in the dependency system. In order to  
677 prove the parent or parents have materially breached the case





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678 plan, the court must find by clear and convincing evidence that  
679 the parent or parents are unlikely or unable to substantially  
680 comply with the case plan before time to comply with the case  
681 plan expires; or-

682 3. The child has been in care for any 12 of the last 22  
683 months and the parents have not substantially complied with the  
684 case plan so as to permit reunification under s. 39.522(3) ~~s.~~  
685 ~~39.522(2)~~ unless the failure to substantially comply with the  
686 case plan was due to the parent's lack of financial resources or  
687 to the failure of the department to make reasonable efforts to  
688 reunify the parent and child.

689 (2) Reasonable efforts to preserve and reunify families are  
690 not required if a court of competent jurisdiction has determined  
691 that any of the events described in paragraphs (1)(b)-(d) or  
692 paragraphs (1)(f)-(n) ~~(1)(f)-(m)~~ have occurred.

693 Section 11. Subsection (9) of section 39.811, Florida  
694 Statutes, is amended to read:

695 39.811 Powers of disposition; order of disposition.-

696 (9) After termination of parental rights or a written order  
697 of permanent commitment entered under s. 39.5035, the court  
698 shall retain jurisdiction over any child for whom custody is  
699 given to a social service agency until the child is adopted. The  
700 court shall review the status of the child's placement and the  
701 progress being made toward permanent adoptive placement. As part  
702 of this continuing jurisdiction, for good cause shown by the  
703 guardian ad litem for the child, the court may review the  
704 appropriateness of the adoptive placement of the child. The  
705 department's decision to deny an application to adopt a child  
706 who is under the court's jurisdiction is reviewable only through



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707 a motion to file a chapter 63 petition as provided in s.  
708 39.812(4), and is not subject to chapter 120.

709 Section 12. Subsections (1), (4), and (5) of section  
710 39.812, Florida Statutes, are amended to read:

711 39.812 Postdisposition relief; petition for adoption.—

712 (1) If the department is given custody of a child for  
713 subsequent adoption in accordance with this chapter, the  
714 department may place the child with an agency as defined in s.  
715 63.032, with a child-caring agency registered under s. 409.176,  
716 or in a family home for prospective subsequent adoption without  
717 the need for a court order unless otherwise required under this  
718 section. The department may allow prospective adoptive parents  
719 to visit with a child in the department's custody without a  
720 court order to determine whether the adoptive placement would be  
721 appropriate. The department may thereafter become a party to any  
722 proceeding for the legal adoption of the child and appear in any  
723 court where the adoption proceeding is pending and consent to  
724 the adoption, and that consent alone shall in all cases be  
725 sufficient.

726 (4) The court shall retain jurisdiction over any child  
727 placed in the custody of the department until the case is closed  
728 as provided in s. 39.63 ~~the child is adopted~~. After custody of a  
729 child for subsequent adoption has been given to the department,  
730 the court has jurisdiction for the purpose of reviewing the  
731 status of the child and the progress being made toward permanent  
732 adoptive placement. As part of this continuing jurisdiction, for  
733 good cause shown by the guardian ad litem for the child, the  
734 court may review the appropriateness of the adoptive placement  
735 of the child.



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736       (a) If the department has denied a person's application to  
737 adopt a child, the denied applicant may file a motion with the  
738 court within 30 days after the issuance of the written  
739 notification of denial to allow him or her to file a chapter 63  
740 petition to adopt a child without the department's consent. The  
741 denied applicant must allege in its motion that the department  
742 unreasonably withheld its consent to the adoption. The court, as  
743 part of its continuing jurisdiction, may review and rule on the  
744 motion.

745       1. The denied applicant only has standing in the chapter 39  
746 proceeding to file the motion in paragraph (a) and to present  
747 evidence in support of the motion at a hearing, which must be  
748 held within 30 days after the filing of the motion.

749       2. At the hearing on the motion, the court may only  
750 consider whether the department's review of the application was  
751 consistent with its policies and made in an expeditious manner.  
752 The standard of review by the court is whether the department's  
753 denial of the application is an abuse of discretion. The court  
754 may not compare the denied applicant against another applicant  
755 to determine which placement is in the best interests of the  
756 child.

757       3. If the denied applicant establishes by a preponderance  
758 of the evidence that the department unreasonably withheld its  
759 consent, the court shall enter an order authorizing the denied  
760 applicant to file a petition to adopt the child under chapter 63  
761 without the department's consent.

762       4. If the denied applicant does not prove by a  
763 preponderance of the evidence that the department unreasonably  
764 withheld its consent, the court shall enter an order so finding



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765 and dismiss the motion.

766 5. The standing of the denied applicant in the chapter 39  
767 proceeding is terminated upon entry of the court's order.

768 (b) When a licensed foster parent or court-ordered  
769 custodian has applied to adopt a child who has resided with the  
770 foster parent or custodian for at least 6 months and who has  
771 previously been permanently committed to the legal custody of  
772 the department and the department does not grant the application  
773 to adopt, the department may not, in the absence of a prior  
774 court order authorizing it to do so, remove the child from the  
775 foster home or custodian, except when:

776 1.~~(a)~~ There is probable cause to believe that the child is  
777 at imminent risk of abuse or neglect;

778 2.~~(b)~~ Thirty days have expired following written notice to  
779 the foster parent or custodian of the denial of the application  
780 to adopt, within which period no formal challenge of the  
781 department's decision has been filed; ~~or~~

782 3.~~(c)~~ The foster parent or custodian agrees to the child's  
783 removal; or.

784 4. The department has selected another prospective adoptive  
785 parent to adopt the child and either the foster parent or  
786 custodian has not filed a motion with the court to allow him or  
787 her to file a chapter 63 petition to adopt a child without the  
788 department's consent, as provided under paragraph (a), or the  
789 court has denied such a motion.

790 (5) The petition for adoption must be filed in the division  
791 of the circuit court which entered the judgment terminating  
792 parental rights, unless a motion for change of venue is granted  
793 under ~~pursuant to~~ s. 47.122. A copy of the consent executed by



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794 the department must be attached to the petition, unless such  
795 consent is waived under subsection (4) pursuant to s. 63.062(7).

796 The petition must be accompanied by a statement, signed by the  
797 prospective adoptive parents, acknowledging receipt of all  
798 information required to be disclosed under s. 63.085 and a form  
799 provided by the department which details the social and medical  
800 history of the child and each parent and includes the social  
801 security number and date of birth for each parent, if such  
802 information is available or readily obtainable. The prospective  
803 adoptive parents may not file a petition for adoption until the  
804 judgment terminating parental rights becomes final. An adoption  
805 proceeding under this subsection is governed by chapter 63.

806 Section 13. Subsection (7) of section 63.062, Florida  
807 Statutes, is amended to read:

808 63.062 Persons required to consent to adoption; affidavit  
809 of nonpaternity; waiver of venue.—

810 (7) If parental rights to the minor have previously been  
811 terminated, the adoption entity with which the minor has been  
812 placed for subsequent adoption may provide consent to the  
813 adoption. In such case, no other consent is required. If the  
814 minor has been permanently committed to the department for  
815 subsequent adoption, the department must consent to the adoption  
816 or, in the alternative, the court order entered under s.  
817 39.812(4) finding that the department ~~The consent of the~~  
818 ~~department shall be waived upon a determination by the court~~  
819 ~~that such consent is being unreasonably withheld~~ its consent  
820 must be attached to the petition to adopt, and if the petitioner  
821 must file ~~has filed with the court~~ a favorable preliminary  
822 adoptive home study as required under s. 63.092.



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823 Section 14. Paragraph (b) of subsection (6) of section  
824 63.082, Florida Statutes, is amended to read:

825 63.082 Execution of consent to adoption or affidavit of  
826 nonpaternity; family social and medical history; revocation of  
827 consent.—

828 (6)

829 (b) Upon execution of the consent of the parent, the  
830 adoption entity must ~~shall~~ be permitted to intervene in the  
831 dependency case as a party in interest and must provide the  
832 court that acquired jurisdiction over the minor, pursuant to the  
833 shelter order or dependency petition filed by the department, a  
834 copy of the preliminary home study of the prospective adoptive  
835 parents and any other evidence of the suitability of the  
836 placement. The preliminary home study must be maintained with  
837 strictest confidentiality within the dependency court file and  
838 the department's file. A preliminary home study must be provided  
839 to the court in all cases in which an adoption entity has  
840 intervened under ~~pursuant to~~ this section. The exemption in s.  
841 63.092(3) from the home study for a stepparent or relative does  
842 not apply if a minor is under the supervision of the department  
843 or is otherwise subject to the jurisdiction of the dependency  
844 court as a result of the filing of a shelter petition,  
845 dependency petition, or termination of parental rights petition  
846 under chapter 39. Unless the court has concerns regarding the  
847 qualifications of the home study provider, or concerns that the  
848 home study may not be adequate to determine the best interests  
849 of the child, the home study provided by the adoption entity is  
850 ~~shall be deemed to be~~ sufficient and no additional home study  
851 needs to be performed by the department.



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852 Section 15. Subsections (8) and (9) of section 402.302,  
853 Florida Statutes, are amended to read:

854 402.302 Definitions.—As used in this chapter, the term:

855 (8) "Family day care home" means an occupied primary  
856 residence leased or owned by the operator in which child care is  
857 regularly provided for children from at least two unrelated  
858 families and which receives a payment, fee, or grant for any of  
859 the children receiving care, whether or not operated for profit.  
860 Household children under 13 years of age, when on the premises  
861 of the family day care home or on a field trip with children  
862 enrolled in child care, are ~~shall be~~ included in the overall  
863 capacity of the licensed home. A family day care home is ~~shall~~  
864 ~~be~~ allowed to provide care for one of the following groups of  
865 children, which shall include household children under 13 years  
866 of age:

867 (a) A maximum of four children from birth to 12 months of  
868 age.

869 (b) A maximum of three children from birth to 12 months of  
870 age, and other children, for a maximum total of six children.

871 (c) A maximum of six preschool children if all are older  
872 than 12 months of age.

873 (d) A maximum of 10 children if no more than 5 are  
874 preschool age and, of those 5, no more than 2 are under 12  
875 months of age.

876 (9) "Household children" means children who are related by  
877 blood, marriage, or legal adoption to, or who are the legal  
878 wards of, the family day care home operator, the large family  
879 child care home operator, or an adult household member who  
880 permanently or temporarily resides in the home. Supervision of



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881 the operator's household children shall be left to the  
882 discretion of the operator unless those children receive  
883 subsidized child care through the school readiness program under  
884 ~~pursuant to~~ s. 1002.92 to be in the home.

885 Section 16. Paragraph (a) of subsection (7), paragraphs (b)  
886 and (c) of subsection (9), and subsection (10) of section  
887 402.305, Florida Statutes, are amended to read:

888 402.305 Licensing standards; child care facilities.—

889 (7) SANITATION AND SAFETY.—

890 (a) Minimum standards shall include requirements for  
891 sanitary and safety conditions, first aid treatment, emergency  
892 procedures, and pediatric cardiopulmonary resuscitation. The  
893 minimum standards shall require that at least one staff person  
894 trained and certified in cardiopulmonary resuscitation, as  
895 evidenced by current documentation of course completion, must be  
896 present at all times that children are present.

897 (9) ADMISSIONS AND RECORDKEEPING.—

898 (b) At the time of initial enrollment and annually  
899 thereafter ~~During the months of August and September of each~~  
900 ~~year~~, each child care facility shall provide parents of children  
901 enrolled in the facility detailed information regarding the  
902 causes, symptoms, and transmission of the influenza virus in an  
903 effort to educate those parents regarding the importance of  
904 immunizing their children against influenza as recommended by  
905 the Advisory Committee on Immunization Practices of the Centers  
906 for Disease Control and Prevention.

907 (c) At the time of initial enrollment and annually  
908 thereafter ~~During the months of April and September of each~~  
909 ~~year~~, at a minimum, each facility shall provide parents of





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910 children enrolled in the facility information regarding the  
911 potential for a distracted adult to fail to drop off a child at  
912 the facility and instead leave the child in the adult's vehicle  
913 upon arrival at the adult's destination. The child care facility  
914 shall also give parents information about resources with  
915 suggestions to avoid this occurrence. The department shall  
916 develop a flyer or brochure with this information that shall be  
917 posted to the department's website, which child care facilities  
918 may choose to reproduce and provide to parents to satisfy the  
919 requirements of this paragraph.

920 (10) TRANSPORTATION SAFETY.—

921 (a) Minimum standards for child care facilities, family day  
922 care homes, and large family child care homes shall include all  
923 of the following:

924 1. Requirements for child restraints or seat belts in  
925 vehicles used by ~~child care~~ facilities and ~~large family child~~  
926 ~~care~~ homes to transport children.

927 2. Requirements for annual inspections of such ~~the~~  
928 vehicles.

929 3. Limitations on the number of children which may be  
930 transported in such ~~the~~ vehicles, ~~procedures to avoid leaving~~  
931 ~~children in vehicles when transported by the facility, and~~  
932 ~~accountability for children transported by the child care~~  
933 ~~facility.~~

934 (b) Before providing transportation services or reinstating  
935 transportation services after a lapse or discontinuation of  
936 longer than 30 days, a child care facility, family day care  
937 home, or large family child care home must be approved by the  
938 department to transport children. Approval by the department is



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939 based on the provider's demonstration of compliance with all  
940 current rules and standards for transportation.

941 (c) A child care facility, family day care home, or large  
942 family child care home is not responsible for the safe transport  
943 of children when they are being transported by a parent or  
944 guardian.

945 Section 17. Subsections (14) and (15) of section 402.313,  
946 Florida Statutes, are amended to read:

947 402.313 Family day care homes.—

948 (14) At the time of initial enrollment and annually  
949 thereafter ~~During the months of August and September of each~~  
950 ~~year~~, each family day care home shall provide parents of  
951 children enrolled in the home detailed information regarding the  
952 causes, symptoms, and transmission of the influenza virus in an  
953 effort to educate those parents regarding the importance of  
954 immunizing their children against influenza as recommended by  
955 the Advisory Committee on Immunization Practices of the Centers  
956 for Disease Control and Prevention.

957 (15) At the time of initial enrollment and annually  
958 thereafter ~~During the months of April and September of each~~  
959 ~~year~~, at a minimum, each family day care home shall provide  
960 parents of children attending the family day care home  
961 information regarding the potential for a distracted adult to  
962 fail to drop off a child at the family day care home and instead  
963 leave the child in the adult's vehicle upon arrival at the  
964 adult's destination. The family day care home shall also give  
965 parents information about resources with suggestions to avoid  
966 this occurrence. The department shall develop a flyer or  
967 brochure with this information that shall be posted to the



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968 department's website, which family day care homes may choose to  
969 reproduce and provide to parents to satisfy the requirements of  
970 this subsection.

971 Section 18. Subsections (8), (9), and (10) of section  
972 402.3131, Florida Statutes, are amended to read:

973 402.3131 Large family child care homes.—

974 (8) Before ~~Prior to~~ being licensed by the department, large  
975 family child care homes must be approved by the state or local  
976 fire marshal in accordance with standards established for child  
977 care facilities.

978 (9) At the time of initial enrollment and annually  
979 thereafter ~~During the months of August and September of each~~  
980 ~~year~~, each large family child care home shall provide parents of  
981 children enrolled in the home detailed information regarding the  
982 causes, symptoms, and transmission of the influenza virus in an  
983 effort to educate those parents regarding the importance of  
984 immunizing their children against influenza as recommended by  
985 the Advisory Committee on Immunization Practices of the Centers  
986 for Disease Control and Prevention.

987 (10) At the time of initial enrollment and annually  
988 thereafter ~~During the months of April and September of each~~  
989 ~~year~~, at a minimum, each large family child care home shall  
990 provide parents of children attending the large family child  
991 care home information regarding the potential for a distracted  
992 adult to fail to drop off a child at the large family child care  
993 home and instead leave the child in the adult's vehicle upon  
994 arrival at the adult's destination. The large family child care  
995 home shall also give parents information about resources with  
996 suggestions to avoid this occurrence. The department shall



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997 develop a flyer or brochure with this information that shall be  
998 posted to the department's website, which large family child  
999 care homes may choose to reproduce and provide to parents to  
1000 satisfy the requirements of this subsection.

1001 Section 19. Subsection (6) and paragraphs (b) and (e) of  
1002 subsection (7) of section 409.1451, Florida Statutes, are  
1003 amended to read:

1004 409.1451 The Road-to-Independence Program.—

1005 (6) ACCOUNTABILITY.—The department shall develop outcome  
1006 measures for the program and other performance measures ~~in order~~  
1007 ~~to maintain oversight of the program. No later than January 31~~  
1008 ~~of each year, the department shall prepare a report on the~~  
1009 ~~outcome measures and the department's oversight activities and~~  
1010 ~~submit the report to the President of the Senate, the Speaker of~~  
1011 ~~the House of Representatives, and the committees with~~  
1012 ~~jurisdiction over issues relating to children and families in~~  
1013 ~~the Senate and the House of Representatives. The report must~~  
1014 ~~include:~~

1015 ~~(a) An analysis of performance on the outcome measures~~  
1016 ~~developed under this section reported for each community-based~~  
1017 ~~care lead agency and compared with the performance of the~~  
1018 ~~department on the same measures.~~

1019 ~~(b) A description of the department's oversight of the~~  
1020 ~~program, including, by lead agency, any programmatic or fiscal~~  
1021 ~~deficiencies found, corrective actions required, and current~~  
1022 ~~status of compliance.~~

1023 ~~(c) Any rules adopted or proposed under this section since~~  
1024 ~~the last report. For the purposes of the first report, any rules~~  
1025 ~~adopted or proposed under this section must be included.~~



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1026 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The  
1027 secretary shall establish the Independent Living Services  
1028 Advisory Council for the purpose of reviewing and making  
1029 recommendations concerning the implementation and operation of  
1030 the provisions of s. 39.6251 and the Road-to-Independence  
1031 Program. The advisory council shall function as specified in  
1032 this subsection until the Legislature determines that the  
1033 advisory council can no longer provide a valuable contribution  
1034 to the department's efforts to achieve the goals of the services  
1035 designed to enable a young adult to live independently.

1036 ~~(b) The advisory council shall report to the secretary on~~  
1037 ~~the status of the implementation of the Road-to-Independence~~  
1038 ~~Program, efforts to publicize the availability of the Road to-~~  
1039 ~~Independence Program, the success of the services, problems~~  
1040 ~~identified, recommendations for department or legislative~~  
1041 ~~action, and the department's implementation of the~~  
1042 ~~recommendations contained in the Independent Living Services~~  
1043 ~~Integration Workgroup Report submitted to the appropriate~~  
1044 ~~substantive committees of the Legislature by December 31, 2013.~~  
1045 ~~The department shall submit a report by December 31 of each year~~  
1046 ~~to the Governor, the President of the Senate, and the Speaker of~~  
1047 ~~the House of Representatives which includes a summary of the~~  
1048 ~~factors reported on by the council and identifies the~~  
1049 ~~recommendations of the advisory council and either describes the~~  
1050 ~~department's actions to implement the recommendations or~~  
1051 ~~provides the department's rationale for not implementing the~~  
1052 ~~recommendations.~~

1053 ~~(c) The advisory council report required under paragraph~~  
1054 ~~(b) must include an analysis of the system of independent living~~



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1055 ~~transition services for young adults who reach 18 years of age~~  
1056 ~~while in foster care before completing high school or its~~  
1057 ~~equivalent and recommendations for department or legislative~~  
1058 ~~action. The council shall assess and report on the most~~  
1059 ~~effective method of assisting these young adults to complete~~  
1060 ~~high school or its equivalent by examining the practices of~~  
1061 ~~other states.~~

1062 Section 20. This act shall take effect October 1, 2020.

1063  
1064 ===== T I T L E A M E N D M E N T =====

1065 And the title is amended as follows:

1066 Delete everything before the enacting clause  
1067 and insert:

1068 A bill to be entitled  
1069 An act relating to child welfare; amending s. 25.385,  
1070 F.S.; requiring the Florida Court Educational Council  
1071 to establish certain standards for instruction of  
1072 specified circuit court judges; amending s. 39.205,  
1073 F.S.; deleting a requirement for the Department of  
1074 Children and Families to report certain information to  
1075 the Legislature; amending s. 39.302, F.S.; requiring  
1076 the department to review certain reports under certain  
1077 circumstances; amending s. 39.407, F.S.; transferring  
1078 certain duties to the department from the Agency for  
1079 Health Care Administration; creating s. 39.5035, F.S.;  
1080 providing court procedures and requirements relating  
1081 to deceased parents of a dependent child; providing  
1082 requirements for petitions for adjudication and  
1083 permanent commitment for certain children; amending s.



1084 39.521, F.S.; deleting provisions relating to  
1085 protective supervision; deleting provisions relating  
1086 to the court's authority to enter an order ending its  
1087 jurisdiction over a child under certain circumstances;  
1088 amending s. 39.522, F.S.; providing requirements for a  
1089 modification of placement of a child under the  
1090 supervision of the department; amending s. 39.6011,  
1091 F.S.; providing timeframes in which case plans must be  
1092 filed with the court and be provided to specified  
1093 parties; amending s. 39.801, F.S.; conforming  
1094 provisions to changes made by the act; amending s.  
1095 39.806, F.S.; conforming cross-references; amending s.  
1096 39.811, F.S.; expanding conditions under which a court  
1097 retains jurisdiction; providing when certain decisions  
1098 relating to adoption are reviewable; amending s.  
1099 39.812, F.S.; authorizing the department to take  
1100 certain actions without a court order; authorizing  
1101 certain persons to file a petition to adopt a child  
1102 without the department's consent; providing standing  
1103 requirements; providing a standard of proof; providing  
1104 responsibilities of the court in such cases; amending  
1105 s. 63.062, F.S.; requiring the department to consent  
1106 to certain adoptions; providing exceptions; amending  
1107 s. 63.082, F.S.; providing construction; amending s.  
1108 402.302, F.S.; revising definitions; amending s.  
1109 402.305, F.S.; requiring a certain number of staff  
1110 persons at child care facilities to be certified in  
1111 certain safety techniques; requiring child care  
1112 facilities to provide certain information to parents



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1113 at the time of initial enrollment and annually  
1114 thereafter; revising minimum standards for child care  
1115 facilities, family day care homes, and large family  
1116 child care homes relating to transportation; requiring  
1117 child care facilities, family day care homes, and  
1118 large family child care homes to be approved by the  
1119 department to transport children in certain  
1120 situations; amending s. 402.313, F.S.; requiring  
1121 family day care homes to provide certain information  
1122 to parents at the time of enrollment and annually  
1123 thereafter; amending s. 402.3131, F.S.; requiring  
1124 large family child care homes to provide certain  
1125 information to parents at the time of enrollment and  
1126 annually thereafter; amending s. 409.1451, F.S.;  
1127 deleting a reporting requirement of the department and  
1128 the Independent Living Services Advisory Council;  
1129 providing an effective date.