

By Senator Perry

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1 A bill to be entitled
2 An act relating to child welfare; amending s. 25.385,
3 F.S.; requiring the Florida Court Educational Council
4 to establish certain standards for instruction of
5 specified circuit court judges; amending s. 39.01,
6 F.S.; revising the definition of the term "parent";
7 amending s. 39.205, F.S.; deleting a requirement for
8 the Department of Children and Families to report
9 certain information to the Legislature; amending s.
10 39.302, F.S.; requiring the department to review
11 certain reports under certain circumstances; amending
12 s. 39.402, F.S.; providing requirements for the court
13 when establishing paternity at a shelter hearing;
14 amending s. 39.407, F.S.; transferring certain duties
15 to the department from the Agency for Health Care
16 Administration; amending s. 39.503, F.S.; revising
17 procedures and requirements relating to the unknown
18 identity or location of a parent of a dependent child;
19 providing that a person does not have standing under
20 certain circumstances; creating s. 39.5035, F.S.;
21 providing court procedures and requirements relating
22 to deceased parents of a dependent child; providing
23 requirements for petitions for adjudication and
24 permanent commitment for certain children; amending s.
25 39.521, F.S.; deleting provisions relating to
26 protective supervision; deleting provisions relating
27 to the court's authority to enter an order ending its
28 jurisdiction over a child under certain circumstances;
29 amending s. 39.522, F.S.; providing requirements for a

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30 modification of placement of a child under the
31 supervision of the department; amending s. 39.6011,
32 F.S.; providing timeframes in which case plans must be
33 filed with the court and be provided to specified
34 parties; creating s. 39.63, F.S.; providing procedures
35 and requirements for closing a case under chapter 39;
36 amending s. 39.801, F.S.; conforming provisions to
37 changes made by the act; amending s. 39.803, F.S.;
38 revising procedures and requirements relating to the
39 unknown identity or location of a parent of a
40 dependent child; providing that a person does not have
41 standing under certain circumstances; amending s.
42 39.806, F.S.; conforming cross-references; amending s.
43 39.811, F.S.; expanding conditions under which a court
44 retains jurisdiction; providing when certain decisions
45 relating to adoption are reviewable; amending s.
46 39.812, F.S.; authorizing the department to take
47 certain actions without a court order; authorizing
48 certain persons to file a petition to adopt a child
49 without the department's consent; providing standing
50 requirements; providing a standard of proof; providing
51 responsibilities of the court in such cases; amending
52 s. 63.062, F.S.; requiring the department to consent
53 to certain adoptions; providing exceptions; amending
54 s. 63.082, F.S.; providing construction; amending s.
55 402.302, F.S.; revising definitions; amending s.
56 402.305, F.S.; requiring a certain number of staff
57 persons at child care facilities to be certified in
58 certain safety techniques; requiring child care

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59 facilities to provide certain information to parents
60 at the time of initial enrollment and annually
61 thereafter; revising minimum standards for child care
62 facilities, family day care homes, and large family
63 child care homes relating to transportation; requiring
64 child care facilities, family day care homes, and
65 large family child care homes to be approved by the
66 department to transport children in certain
67 situations; amending s. 402.313, F.S.; requiring
68 family day care homes to provide certain information
69 to parents at the time of enrollment and annually
70 thereafter; amending s. 402.3131, F.S.; requiring
71 large family child care homes to provide certain
72 information to parents at the time of enrollment and
73 annually thereafter; amending s. 409.1451, F.S.;
74 deleting a reporting requirement of the department and
75 the Independent Living Services Advisory Council;
76 creating s. 742.0211, F.S.; defining the term
77 "dependent child"; providing requirements and
78 procedures for the determination of paternity when a
79 child is dependent; providing the burden of proof for
80 certain paternity complaints; providing applicability;
81 providing an effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:

84
85 Section 1. Section 25.385, Florida Statutes, is amended to
86 read:
87 25.385 Standards for instruction of circuit and county

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88 court judges ~~in handling domestic violence cases.~~

89 (1) The Florida Court Educational Council shall establish
90 standards for instruction of circuit and county court judges who
91 have responsibility for domestic violence cases, and the council
92 shall provide such instruction on a periodic and timely basis.

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

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

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

98 (2) The Florida Court Educational Council shall establish
99 standards for instruction of circuit court judges who have
100 responsibility for dependency cases. The standards for
101 instruction must be consistent with and reinforce the purposes
102 of chapter 39, with emphasis on ensuring that a permanent
103 placement is achieved as soon as possible and that a child
104 should not remain in foster care for longer than 1 year. This
105 instruction must be provided on a periodic and timely basis and
106 may be provided by or in consultation with current or retired
107 judges, the Department of Children and Families, or the
108 Statewide Guardian Ad Litem Office established in s. 39.8296.

109 Section 2. Subsection (56) of section 39.01, Florida
110 Statutes, is amended to read:

111 39.01 Definitions.—When used in this chapter, unless the
112 context otherwise requires:

113 (56) "Parent" means a woman who gives birth to a child and
114 a man whose consent to the adoption of the child would be
115 required under s. 63.062(1). The term "parent" also means legal
116 father as defined in this section. If a child has been legally

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117 adopted, the term "parent" means the adoptive mother or father
118 of the child. For purposes of this chapter only, when the phrase
119 "parent or legal custodian" is used, it refers to rights or
120 responsibilities of the parent and, only if there is no living
121 parent with intact parental rights, to the rights or
122 responsibilities of the legal custodian who has assumed the role
123 of the parent. The term does not include an individual whose
124 parental relationship to the child has been legally terminated,
125 or an alleged or prospective parent, unless:

126 ~~(a) The parental status falls within the terms of s.~~
127 ~~39.503(1) or s. 63.062(1); or~~

128 ~~(b)~~ parental status is applied for the purpose of
129 determining whether the child has been abandoned.

130 Section 3. Subsection (7) of section 39.205, Florida
131 Statutes, is amended to read:

132 39.205 Penalties relating to reporting of child abuse,
133 abandonment, or neglect.—

134 (7) The department shall establish procedures for
135 determining whether a false report of child abuse, abandonment,
136 or neglect has been made and for submitting all identifying
137 information relating to such a report to the appropriate law
138 enforcement agency ~~and shall report annually to the Legislature~~
139 ~~the number of reports referred.~~

140 Section 4. Subsection (7) of section 39.302, Florida
141 Statutes, is amended to read:

142 39.302 Protective investigations of institutional child
143 abuse, abandonment, or neglect.—

144 (7) When an investigation of institutional abuse, neglect,
145 or abandonment is closed and a person is not identified as a

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146 caregiver responsible for the abuse, neglect, or abandonment
147 alleged in the report, the fact that the person is named in some
148 capacity in the report may not be used in any way to adversely
149 affect the interests of that person. This prohibition applies to
150 any use of the information in employment screening, licensing,
151 child placement, adoption, or any other decisions by a private
152 adoption agency or a state agency or its contracted providers.

153 (a) However, if such a person is a licensee of the
154 department and is named in any capacity in a report ~~three or~~
155 ~~more reports~~ within a 5-year period, the department must ~~may~~
156 review the report ~~those reports~~ and determine whether the
157 information contained in the report ~~reports~~ is relevant for
158 purposes of determining whether the person's license should be
159 renewed or revoked. If the information is relevant to the
160 decision to renew or revoke the license, the department may rely
161 on the information contained in the report in making that
162 decision.

163 (b) Likewise, if a person is employed as a caregiver in a
164 residential group home licensed pursuant to s. 409.175 and is
165 named in any capacity in a report ~~three or more reports~~ within a
166 5-year period, the department must ~~may~~ review the report ~~all~~
167 ~~reports~~ for the purposes of the employment screening as defined
168 in s. 409.175(2)(m) ~~required pursuant to s. 409.145(2)(c)~~.

169 Section 5. Paragraph (c) of subsection (8) of section
170 39.402, Florida Statutes, is amended to read:

171 39.402 Placement in a shelter.—

172 (8)

173 (c) At the shelter hearing, the court shall:

174 1. Appoint a guardian ad litem to represent the best

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175 interest of the child, unless the court finds that such
176 representation is unnecessary.†

177 2. Inform the parents or legal custodians of their right to
178 counsel to represent them at the shelter hearing and at each
179 subsequent hearing or proceeding, and the right of the parents
180 to appointed counsel, pursuant to the procedures set forth in s.
181 39.013.†

182 3. Give the parents or legal custodians an opportunity to
183 be heard and to present evidence.† ~~and~~

184 4. Inquire of those present at the shelter hearing as to
185 the identity and location of the legal father. In determining
186 who the legal father of the child may be, the court shall
187 inquire under oath of those present at the shelter hearing
188 whether they have any of the following information:

189 a. Whether the mother of the child was married at the
190 probable time of conception of the child or at the time of birth
191 of the child.

192 b. Whether the mother was cohabiting with a male at the
193 probable time of conception of the child.

194 c. Whether the mother has received payments or promises of
195 support with respect to the child or because of her pregnancy
196 from a man who claims to be the father.

197 d. Whether the mother has named any man as the father on
198 the birth certificate of the child or in connection with
199 applying for or receiving public assistance.

200 e. Whether any man has acknowledged or claimed paternity of
201 the child in a jurisdiction in which the mother resided at the
202 time of or since conception of the child or in which the child
203 has resided or resides.

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204 f. Whether a man is named on the birth certificate of the
205 child under ~~pursuant to~~ s. 382.013(2).

206 g. Whether a man has been determined by a court order to be
207 the father of the child.

208 h. Whether a man has been determined to be the father of
209 the child by the Department of Revenue as provided in s.
210 409.256.

211 5. If the inquiry under subparagraph 4. identifies a person
212 as a legal father, as defined in s. 39.01, enter an order
213 establishing the paternity of the child. Once an order
214 establishing paternity has been entered, the court may not take
215 any action to disestablish paternity in the absence of an action
216 filed under chapter 742. An action filed under chapter 742
217 concerning a child who is the subject in a dependence proceeding
218 must comply with s. 742.0211.

219 Section 6. Subsection (6) of section 39.407, Florida
220 Statutes, is amended to read:

221 39.407 Medical, psychiatric, and psychological examination
222 and treatment of child; physical, mental, or substance abuse
223 examination of person with or requesting child custody.—

224 (6) Children who are in the legal custody of the department
225 may be placed by the department, without prior approval of the
226 court, in a residential treatment center licensed under s.
227 394.875 or a hospital licensed under chapter 395 for residential
228 mental health treatment only as provided in ~~pursuant to~~ this
229 section or may be placed by the court in accordance with an
230 order of involuntary examination or involuntary placement
231 entered under ~~pursuant to~~ s. 394.463 or s. 394.467. All children
232 placed in a residential treatment program under this subsection

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233 must have a guardian ad litem appointed.

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

235 1. "Residential treatment" means placement for observation,
236 diagnosis, or treatment of an emotional disturbance in a
237 residential treatment center licensed under s. 394.875 or a
238 hospital licensed under chapter 395.

239 2. "Least restrictive alternative" means the treatment and
240 conditions of treatment that, separately and in combination, are
241 no more intrusive or restrictive of freedom than reasonably
242 necessary to achieve a substantial therapeutic benefit or to
243 protect the child or adolescent or others from physical injury.

244 3. "Suitable for residential treatment" or "suitability"
245 means a determination concerning a child or adolescent with an
246 emotional disturbance as defined in s. 394.492(5) or a serious
247 emotional disturbance as defined in s. 394.492(6) that each of
248 the following criteria is met:

249 a. The child requires residential treatment.

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

252 c. An appropriate, less restrictive alternative to
253 residential treatment is unavailable.

254 (b) Whenever the department believes that a child in its
255 legal custody is emotionally disturbed and may need residential
256 treatment, an examination and suitability assessment must be
257 conducted by a qualified evaluator who is appointed by the
258 department ~~Agency for Health Care Administration~~. This
259 suitability assessment must be completed before the placement of
260 the child in a residential treatment center for emotionally
261 disturbed children and adolescents or a hospital. The qualified

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262 evaluator must be a psychiatrist or a psychologist licensed in
263 Florida who has at least 3 years of experience in the diagnosis
264 and treatment of serious emotional disturbances in children and
265 adolescents and who has no actual or perceived conflict of
266 interest with any inpatient facility or residential treatment
267 center or program.

268 (c) Before a child is admitted under this subsection, the
269 child shall be assessed for suitability for residential
270 treatment by a qualified evaluator who has conducted a personal
271 examination and assessment of the child and has made written
272 findings that:

273 1. The child appears to have an emotional disturbance
274 serious enough to require residential treatment and is
275 reasonably likely to benefit from the treatment.

276 2. The child has been provided with a clinically
277 appropriate explanation of the nature and purpose of the
278 treatment.

279 3. All available modalities of treatment less restrictive
280 than residential treatment have been considered, and a less
281 restrictive alternative that would offer comparable benefits to
282 the child is unavailable.

283

284 A copy of the written findings of the evaluation and suitability
285 assessment must be provided to the department, to the guardian
286 ad litem, and, if the child is a member of a Medicaid managed
287 care plan, to the plan that is financially responsible for the
288 child's care in residential treatment, all of whom must be
289 provided with the opportunity to discuss the findings with the
290 evaluator.

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291 (d) Immediately upon placing a child in a residential
292 treatment program under this section, the department must notify
293 the guardian ad litem and the court having jurisdiction over the
294 child and must provide the guardian ad litem and the court with
295 a copy of the assessment by the qualified evaluator.

296 (e) Within 10 days after the admission of a child to a
297 residential treatment program, the director of the residential
298 treatment program or the director's designee must ensure that an
299 individualized plan of treatment has been prepared by the
300 program and has been explained to the child, to the department,
301 and to the guardian ad litem, and submitted to the department.
302 The child must be involved in the preparation of the plan to the
303 maximum feasible extent consistent with his or her ability to
304 understand and participate, and the guardian ad litem and the
305 child's foster parents must be involved to the maximum extent
306 consistent with the child's treatment needs. The plan must
307 include a preliminary plan for residential treatment and
308 aftercare upon completion of residential treatment. The plan
309 must include specific behavioral and emotional goals against
310 which the success of the residential treatment may be measured.
311 A copy of the plan must be provided to the child, to the
312 guardian ad litem, and to the department.

313 (f) Within 30 days after admission, the residential
314 treatment program must review the appropriateness and
315 suitability of the child's placement in the program. The
316 residential treatment program must determine whether the child
317 is receiving benefit toward the treatment goals and whether the
318 child could be treated in a less restrictive treatment program.
319 The residential treatment program shall prepare a written report

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320 of its findings and submit the report to the guardian ad litem
321 and to the department. The department must submit the report to
322 the court. The report must include a discharge plan for the
323 child. The residential treatment program must continue to
324 evaluate the child's treatment progress every 30 days thereafter
325 and must include its findings in a written report submitted to
326 the department. The department may not reimburse a facility
327 until the facility has submitted every written report that is
328 due.

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

333 2. The court must conduct a hearing to review the status of
334 the child's residential treatment plan no later than 60 days
335 after the child's admission to the residential treatment
336 program. An independent review of the child's progress toward
337 achieving the goals and objectives of the treatment plan must be
338 completed by a qualified evaluator and submitted to the court
339 before its 60-day review.

340 3. For any child in residential treatment at the time a
341 judicial review is held pursuant to s. 39.701, the child's
342 continued placement in residential treatment must be a subject
343 of the judicial review.

344 4. If at any time the court determines that the child is
345 not suitable for continued residential treatment, the court
346 shall order the department to place the child in the least
347 restrictive setting that is best suited to meet his or her
348 needs.

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

352 (i) The department must adopt rules for implementing
353 timeframes for the completion of suitability assessments by
354 qualified evaluators and a procedure that includes timeframes
355 for completing the 60-day independent review by the qualified
356 evaluators of the child's progress toward achieving the goals
357 and objectives of the treatment plan which review must be
358 submitted to the court. The Agency for Health Care
359 Administration must adopt rules for the registration of
360 qualified evaluators, the procedure for selecting the evaluators
361 to conduct the reviews required under this section, and a
362 reasonable, cost-efficient fee schedule for qualified
363 evaluators.

364 Section 7. Section 39.503, Florida Statutes, is amended to
365 read:

366 39.503 Identity or location of parent unknown; special
367 procedures.—

368 (1) If the identity or location of a parent is unknown and
369 a petition for dependency ~~or shelter~~ is filed, the court shall
370 conduct under oath an ~~the following~~ inquiry of the parent or
371 legal custodian who is available, or, if no parent or legal
372 custodian is available, of any relative or custodian of the
373 child who is present at the hearing and likely to have any of
374 the following information:

375 (a) Whether the mother of the child was married at the
376 probable time of conception of the child or at the time of birth
377 of the child.

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378 (b) Whether the mother was cohabiting with a male at the
379 probable time of conception of the child.

380 (c) Whether the mother has received payments or promises of
381 support with respect to the child or because of her pregnancy
382 from a man who claims to be the father.

383 (d) Whether the mother has named any man as the father on
384 the birth certificate of the child or in connection with
385 applying for or receiving public assistance.

386 (e) Whether any man has acknowledged or claimed paternity
387 of the child in a jurisdiction in which the mother resided at
388 the time of or since conception of the child, or in which the
389 child has resided or resides.

390 (f) Whether a man is named on the birth certificate of the
391 child under ~~pursuant to~~ s. 382.013(2).

392 (g) Whether a man has been determined by a court order to
393 be the father of the child.

394 (h) Whether a man has been determined to be the father of
395 the child by the Department of Revenue as provided in s.
396 409.256.

397 (2) The information required in subsection (1) may be
398 supplied to the court or the department in the form of a sworn
399 affidavit by a person having personal knowledge of the facts.

400 (3) If the inquiry under subsection (1) identifies any
401 person as a parent or prospective parent and that person's
402 location is known, the court shall require notice of the hearing
403 to be provided to that person. However, notice is not required
404 to be provided to a prospective parent if there is an identified
405 legal father, as defined in s. 39.01, of the child.

406 (4) If the inquiry under subsection (1) identifies a person

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407 as a legal father, as defined in s. 39.01, the court shall enter
408 an order establishing the paternity of the father. Once an order
409 establishing paternity has been entered, the court may not take
410 any action to disestablish this paternity in the absence of an
411 action filed under chapter 742. An action filed under chapter
412 742 concerning a child who is the subject in a dependence
413 proceeding must comply with s. 742.0211.

414 (5)~~(4)~~ If the inquiry under subsection (1) fails to
415 identify any person as a parent or prospective parent, the court
416 shall so find and may proceed without further notice and the
417 petitioner is relieved of performing any further search.

418 (6)~~(5)~~ If the inquiry under subsection (1) identifies a
419 parent or prospective parent, and that person's location is
420 unknown, the court shall direct the petitioner to conduct a
421 diligent search for that person before scheduling a disposition
422 hearing regarding the dependency of the child unless the court
423 finds that the best interest of the child requires proceeding
424 without notice to the person whose location is unknown. However,
425 a diligent search is not required to be conducted for a
426 prospective parent if there is an identified legal father, as
427 defined in s. 39.01, of the child.

428 (7)~~(6)~~ The diligent search required by subsection (6) ~~(5)~~
429 must include, at a minimum, inquiries of all relatives of the
430 parent or prospective parent made known to the petitioner,
431 inquiries of all offices of program areas of the department
432 likely to have information about the parent or prospective
433 parent, inquiries of other state and federal agencies likely to
434 have information about the parent or prospective parent,
435 inquiries of appropriate utility and postal providers, a

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436 thorough search of at least one electronic database specifically
437 designed for locating persons, a search of the Florida Putative
438 Father Registry, and inquiries of appropriate law enforcement
439 agencies. Pursuant to s. 453 of the Social Security Act, 42
440 U.S.C. s. 653(c)(4), the department, as the state agency
441 administering Titles IV-B and IV-E of the act, shall be provided
442 access to the federal and state parent locator service for
443 diligent search activities.

444 (8)~~(7)~~ Any agency contacted by a petitioner with a request
445 for information under ~~pursuant to~~ subsection (7) ~~must~~ ~~(6)~~ ~~shall~~
446 release the requested information to the petitioner without the
447 necessity of a subpoena or court order.

448 (9) If the inquiry and diligent search identifies and
449 locates a parent, that person is considered a parent for all
450 purposes under this chapter and must be provided notice of all
451 hearings.

452 (10)~~(8)~~ If the inquiry and diligent search identifies and
453 locates a prospective parent and there is no legal father, that
454 person must be given the opportunity to become a party to the
455 proceedings by completing a sworn affidavit of parenthood and
456 filing it with the court or the department. A prospective parent
457 who files a sworn affidavit of parenthood while the child is a
458 dependent child but no later than at the time of or before the
459 adjudicatory hearing in any termination of parental rights
460 proceeding for the child shall be considered a parent for all
461 purposes under this chapter ~~section~~ unless the other parent
462 contests the determination of parenthood. A person does not have
463 standing to file a sworn affidavit of parenthood or otherwise
464 establish parenthood, except through adoption, after entry of a

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465 judgment terminating the parental rights of the legal father for
466 a child. If the known parent contests the recognition of the
467 prospective parent as a parent, the court having jurisdiction
468 over the dependency matter shall conduct a determination of
469 parentage under chapter 742. The prospective parent may not be
470 recognized as a parent until proceedings to determine maternity
471 or paternity ~~under chapter 742~~ have been concluded. However, the
472 prospective parent shall continue to receive notice of hearings
473 as a participant pending results of the ~~chapter 742~~ proceedings
474 to determine maternity or paternity.

475 ~~(11)(9)~~ If the diligent search under subsection (6) ~~(5)~~
476 fails to ~~identify and~~ locate a parent or prospective parent who
477 was identified during the inquiry under subsection (1), the
478 court shall so find and may proceed without further notice and
479 the petitioner is relieved from performing any further search.

480 Section 8. Section 39.5035, Florida Statutes, is created to
481 read:

482 39.5035 Deceased parents; special procedures.—

483 (1)(a)1. If both parents of a child are deceased and a
484 legal custodian has not been appointed for the child through a
485 probate or guardianship proceeding, then an attorney for the
486 department or any other person, who has knowledge of the facts
487 whether alleged or is informed of the alleged facts and believes
488 them to be true, may initiate a proceeding by filing a petition
489 for adjudication and permanent commitment.

490 2. If a child has been placed in shelter status by order of
491 the court but has not yet been adjudicated, a petition for
492 adjudication and permanent commitment must be filed within 21
493 days after the shelter hearing. In all other cases, the petition

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494 must be filed within a reasonable time after the date the child
495 was referred to protective investigation or after the petitioner
496 first becomes aware of the facts that support the petition for
497 adjudication and permanent commitment.

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

503 (2) The petition:

504 (a) Must be in writing, identify the alleged deceased
505 parents, and provide facts that establish that both parents of
506 the child are deceased and that a legal custodian has not been
507 appointed for the child through a probate or guardianship
508 proceeding.

509 (b) Must be signed by the petitioner under oath stating the
510 petitioner's good faith in filing the petition.

511 (3) When a petition for adjudication and permanent
512 commitment or a petition for permanent commitment has been
513 filed, the clerk of court shall set the case before the court
514 for an adjudicatory hearing. The adjudicatory hearing must be
515 held as soon as practicable after the petition is filed, but no
516 later than 30 days after the filing date.

517 (4) Notice of the date, time, and place of the adjudicatory
518 hearing and a copy of the petition must be served on the
519 following persons:

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

521 (b) A living relative of each parent of the child, unless a
522 living relative cannot be found after a diligent search and

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523 inquiry.

524 (c) The guardian ad litem for the child or the
525 representative of the guardian ad litem program, if the program
526 has been appointed.

527 (5) Adjudicatory hearings shall be conducted by the judge
528 without a jury, applying the rules of evidence in use in civil
529 cases and adjourning the hearings from time to time as
530 necessary. At the hearing, the judge must determine whether the
531 petitioner has established by clear and convincing evidence that
532 both parents of the child are deceased and that a legal
533 custodian has not been appointed for the child through a probate
534 or guardianship proceeding. A certified copy of the death
535 certificate for each parent is sufficient evidence of proof of
536 the parents' deaths.

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

539 (a) If the court finds that the petitioner has met the
540 clear and convincing standard, the court shall enter a written
541 order adjudicating the child dependent and permanently
542 committing the child to the custody of the department for the
543 purpose of adoption. A disposition hearing shall be scheduled no
544 later than 30 days after the entry of the order, in which the
545 department shall provide a case plan that identifies the
546 permanency goal for the child to the court. Reasonable efforts
547 must be made to place the child in a timely manner in accordance
548 with the permanency plan and to complete all steps necessary to
549 finalize the permanent placement of the child. Thereafter, until
550 the adoption of the child is finalized or the child reaches the
551 age of 18 years, whichever occurs first, the court shall hold

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552 hearings every 6 months to review the progress being made toward
553 permanency for the child.

554 (b) If the court finds that clear and convincing evidence
555 does not establish that both parents of a child are deceased and
556 that a legal custodian has not been appointed for the child
557 through a probate or guardianship proceeding, but that a
558 preponderance of the evidence establishes that the child does
559 not have a parent or legal custodian capable of providing
560 supervision or care, the court shall enter a written order
561 adjudicating the child dependent. A disposition hearing shall be
562 scheduled no later than 30 days after the entry of the order as
563 provided in s. 39.521.

564 (c) If the court finds that clear and convincing evidence
565 does not establish that both parents of a child are deceased and
566 that a legal custodian has not been appointed for the child
567 through a probate or guardianship proceeding and that a
568 preponderance of the evidence does not establish that the child
569 does not have a parent or legal custodian capable of providing
570 supervision or care, the court shall enter a written order so
571 finding and dismissing the petition.

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

574 (a) If the court finds that the petitioner has met the
575 clear and convincing standard, the court shall enter a written
576 order permanently committing the child to the custody of the
577 department for purposes of adoption. A disposition hearing shall
578 be scheduled no later than 30 days after the entry of the order,
579 in which the department shall provide an amended case plan that
580 identifies the permanency goal for the child to the court.

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581 Reasonable efforts must be made to place the child in a timely
582 manner in accordance with the permanency plan and to complete
583 all steps necessary to finalize the permanent placement of the
584 child. Thereafter, until the adoption of the child is finalized
585 or the child reaches the age of 18 years, whichever occurs
586 first, the court shall hold hearings every 6 months to review
587 the progress being made toward permanency for the child.

588 (b) If the court finds that clear and convincing evidence
589 does not establish that both parents of a child are deceased and
590 that a legal custodian has not been appointed for the child
591 through a probate or guardianship proceeding, the court shall
592 enter a written order denying the petition. The order has no
593 effect on the child's prior adjudication. The order does not bar
594 the petitioner from filing a subsequent petition for permanent
595 commitment based on newly discovered evidence that establishes
596 that both parents of a child are deceased and that a legal
597 custodian has not been appointed for the child through a probate
598 or guardianship proceeding.

599 Section 9. Paragraph (c) of subsection (1) and subsections
600 (3) and (7) of section 39.521, Florida Statutes, are amended to
601 read:

602 39.521 Disposition hearings; powers of disposition.—

603 (1) A disposition hearing shall be conducted by the court,
604 if the court finds that the facts alleged in the petition for
605 dependency were proven in the adjudicatory hearing, or if the
606 parents or legal custodians have consented to the finding of
607 dependency or admitted the allegations in the petition, have
608 failed to appear for the arraignment hearing after proper
609 notice, or have not been located despite a diligent search

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610 having been conducted.

611 (c) When any child is adjudicated by a court to be
612 dependent, the court having jurisdiction of the child has the
613 power by order to:

614 1. Require the parent and, when appropriate, the legal
615 guardian or the child to participate in treatment and services
616 identified as necessary. The court may require the person who
617 has custody or who is requesting custody of the child to submit
618 to a mental health or substance abuse disorder assessment or
619 evaluation. The order may be made only upon good cause shown and
620 pursuant to notice and procedural requirements provided under
621 the Florida Rules of Juvenile Procedure. The mental health
622 assessment or evaluation must be administered by a qualified
623 professional as defined in s. 39.01, and the substance abuse
624 assessment or evaluation must be administered by a qualified
625 professional as defined in s. 397.311. The court may also
626 require such person to participate in and comply with treatment
627 and services identified as necessary, including, when
628 appropriate and available, participation in and compliance with
629 a mental health court program established under chapter 394 or a
630 treatment-based drug court program established under s. 397.334.
631 Adjudication of a child as dependent based upon evidence of harm
632 as defined in s. 39.01(35)(g) demonstrates good cause, and the
633 court shall require the parent whose actions caused the harm to
634 submit to a substance abuse disorder assessment or evaluation
635 and to participate and comply with treatment and services
636 identified in the assessment or evaluation as being necessary.
637 In addition to supervision by the department, the court,
638 including the mental health court program or the treatment-based

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639 drug court program, may oversee the progress and compliance with
640 treatment by a person who has custody or is requesting custody
641 of the child. The court may impose appropriate available
642 sanctions for noncompliance upon a person who has custody or is
643 requesting custody of the child or make a finding of
644 noncompliance for consideration in determining whether an
645 alternative placement of the child is in the child's best
646 interests. Any order entered under this subparagraph may be made
647 only upon good cause shown. This subparagraph does not authorize
648 placement of a child with a person seeking custody of the child,
649 other than the child's parent or legal custodian, who requires
650 mental health or substance abuse disorder treatment.

651 2. Require, if the court deems necessary, the parties to
652 participate in dependency mediation.

653 3. Require placement of the child either under the
654 protective supervision of an authorized agent of the department
655 in the home of one or both of the child's parents or in the home
656 of a relative of the child or another adult approved by the
657 court, or in the custody of the department. ~~Protective~~
658 ~~supervision continues until the court terminates it or until the~~
659 ~~child reaches the age of 18, whichever date is first. Protective~~
660 ~~supervision shall be terminated by the court whenever the court~~
661 ~~determines that permanency has been achieved for the child,~~
662 ~~whether with a parent, another relative, or a legal custodian,~~
663 ~~and that protective supervision is no longer needed. The~~
664 ~~termination of supervision may be with or without retaining~~
665 ~~jurisdiction, at the court's discretion, and shall in either~~
666 ~~case be considered a permanency option for the child. The order~~
667 ~~terminating supervision by the department must set forth the~~

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668 ~~powers of the custodian of the child and include the powers~~
669 ~~ordinarily granted to a guardian of the person of a minor unless~~
670 ~~otherwise specified. Upon the court's termination of supervision~~
671 ~~by the department, further judicial reviews are not required if~~
672 ~~permanency has been established for the child.~~

673 4. Determine whether the child has a strong attachment to
674 the prospective permanent guardian and whether such guardian has
675 a strong commitment to permanently caring for the child.

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

679 (a) If the court determines that the child can safely
680 remain in the home with the parent with whom the child was
681 residing at the time the events or conditions arose that brought
682 the child within the jurisdiction of the court and that
683 remaining in this home is in the best interest of the child,
684 then the court shall order conditions under which the child may
685 remain or return to the home and that this placement be under
686 the protective supervision of the department for not less than 6
687 months.

688 (b) If there is a parent with whom the child was not
689 residing at the time the events or conditions arose that brought
690 the child within the jurisdiction of the court who desires to
691 assume custody of the child, the court shall place the child
692 with that parent upon completion of a home study, unless the
693 court finds that such placement would endanger the safety, well-
694 being, or physical, mental, or emotional health of the child.
695 Any party with knowledge of the facts may present to the court
696 evidence regarding whether the placement will endanger the

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697 safety, well-being, or physical, mental, or emotional health of
698 the child. If the court places the child with such parent, it
699 may do either of the following:

700 1. Order that the parent assume sole custodial
701 responsibilities for the child. The court may also provide for
702 reasonable visitation by the noncustodial parent. The court may
703 then terminate its jurisdiction over the child.

704 2. Order that the parent assume custody subject to the
705 jurisdiction of the circuit court hearing dependency matters.
706 The court may order that reunification services be provided to
707 the parent from whom the child has been removed, that services
708 be provided solely to the parent who is assuming physical
709 custody in order to allow that parent to retain later custody
710 without court jurisdiction, or that services be provided to both
711 parents, in which case the court shall determine at every review
712 hearing which parent, if either, shall have custody of the
713 child. The standard for changing custody of the child from one
714 parent to another or to a relative or another adult approved by
715 the court shall be the best interest of the child.

716 (c) If no fit parent is willing or available to assume care
717 and custody of the child, place the child in the temporary legal
718 custody of an adult relative, the adoptive parent of the child's
719 sibling, or another adult approved by the court who is willing
720 to care for the child, under the protective supervision of the
721 department. The department must supervise this placement until
722 the child reaches permanency status in this home, and in no case
723 for a period of less than 6 months. Permanency in a relative
724 placement shall be by adoption, long-term custody, or
725 guardianship.

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726 (d) If the child cannot be safely placed in a nonlicensed
727 placement, the court shall commit the child to the temporary
728 legal custody of the department. Such commitment invests in the
729 department all rights and responsibilities of a legal custodian.
730 The department may ~~shall~~ not return any child to the physical
731 care and custody of the person from whom the child was removed,
732 except for court-approved visitation periods, without the
733 approval of the court. Any order for visitation or other contact
734 must conform to the provisions of s. 39.0139. The term of such
735 commitment continues until terminated by the court or until the
736 child reaches the age of 18. After the child is committed to the
737 temporary legal custody of the department, all further
738 proceedings under this section are governed by this chapter.

739
740 ~~Protective supervision continues until the court terminates it~~
741 ~~or until the child reaches the age of 18, whichever date is~~
742 ~~first. Protective supervision shall be terminated by the court~~
743 ~~whenever the court determines that permanency has been achieved~~
744 ~~for the child, whether with a parent, another relative, or a~~
745 ~~legal custodian, and that protective supervision is no longer~~
746 ~~needed. The termination of supervision may be with or without~~
747 ~~retaining jurisdiction, at the court's discretion, and shall in~~
748 ~~either case be considered a permanency option for the child. The~~
749 ~~order terminating supervision by the department shall set forth~~
750 ~~the powers of the custodian of the child and shall include the~~
751 ~~powers ordinarily granted to a guardian of the person of a minor~~
752 ~~unless otherwise specified. Upon the court's termination of~~
753 ~~supervision by the department, no further judicial reviews are~~
754 ~~required, so long as permanency has been established for the~~

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755 ~~child.~~

756 ~~(7) The court may enter an order ending its jurisdiction~~
757 ~~over a child when a child has been returned to the parents,~~
758 ~~provided the court shall not terminate its jurisdiction or the~~
759 ~~department's supervision over the child until 6 months after the~~
760 ~~child's return. The department shall supervise the placement of~~
761 ~~the child after reunification for at least 6 months with each~~
762 ~~parent or legal custodian from whom the child was removed. The~~
763 ~~court shall determine whether its jurisdiction should be~~
764 ~~continued or terminated in such a case based on a report of the~~
765 ~~department or agency or the child's guardian ad litem, and any~~
766 ~~other relevant factors; if its jurisdiction is to be terminated,~~
767 ~~the court shall enter an order to that effect.~~

768 Section 10. Section 39.522, Florida Statutes, is amended to
769 read:

770 39.522 Postdisposition change of custody.—The court may
771 change the temporary legal custody or the conditions of
772 protective supervision at a postdisposition hearing, without the
773 necessity of another adjudicatory hearing. If a child has been
774 returned to the parent and is under protective supervision by
775 the department and the child is later removed again from the
776 parent's custody, any modifications of placement shall be done
777 under this section.

778 (1) At any time, an authorized agent of the department or a
779 law enforcement officer may remove a child from a court-ordered
780 placement and take the child into custody if the child's current
781 caregiver requests immediate removal of the child from the home
782 or if there is probable cause as required in s. 39.401(1)(b).
783 The department shall file a motion to modify placement within 1

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784 business day after the child is taken into custody. Unless all
785 parties agree to the change of placement, the court must set a
786 hearing within 24 hours after the filing of the motion. At the
787 hearing, the court shall determine whether the department has
788 established probable cause to support the immediate removal of
789 the child from his or her current placement. The court may base
790 its determination on a sworn petition, testimony, or an
791 affidavit and may hear all relevant and material evidence,
792 including oral or written reports, to the extent of its
793 probative value even though it would not be competent evidence
794 at an adjudicatory hearing. If the court finds that probable
795 cause is not established to support the removal of the child
796 from the placement, the court shall order that the child be
797 returned to his or her current placement. If the caregiver
798 admits to a need for a change of placement or probable cause is
799 established to support the removal, the court shall enter an
800 order changing the placement of the child. If the child is not
801 placed in foster care, then the new placement for the child must
802 meet the home study criteria in chapter 39. If the child's
803 placement is modified based on a probable cause finding, the
804 court must conduct a subsequent evidentiary hearing, unless
805 waived by all parties, on the motion to determine whether the
806 department has established by a preponderance of the evidence
807 that maintaining the new placement of the child is in the best
808 interest of the child. The court shall consider the continuity
809 of the child's placement in the same out-of-home residence as a
810 factor when determining the best interests of the child.

811 (2)~~(1)~~ At any time before a child is residing in the
812 permanent placement approved at the permanency hearing, a child

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813 who has been placed in the child's own home under the protective
814 supervision of an authorized agent of the department, in the
815 home of a relative, in the home of a legal custodian, or in some
816 other place may be brought before the court by the department or
817 by any other party ~~interested person~~, upon the filing of a
818 petition ~~motion~~ alleging a need for a change in the conditions
819 of protective supervision or the placement. If the parents or
820 other legal custodians deny the need for a change, the court
821 shall hear all parties in person or by counsel, or both. Upon
822 the admission of a need for a change or after such hearing, the
823 court shall enter an order changing the placement, modifying the
824 conditions of protective supervision, or continuing the
825 conditions of protective supervision as ordered. The standard
826 for changing custody of the child is determined by a
827 preponderance of the evidence that establishes that a change is
828 in ~~shall be~~ the best interest of the child. When applying this
829 standard, the court shall consider the continuity of the child's
830 placement in the same out-of-home residence as a factor when
831 determining the best interests of the child. If the child is not
832 placed in foster care, then the new placement for the child must
833 meet the home study criteria and court approval under ~~pursuant~~
834 ~~to~~ this chapter.

835 (3) ~~(2)~~ In cases where the issue before the court is whether
836 a child should be reunited with a parent, the court shall review
837 the conditions for return and determine whether the
838 circumstances that caused the out-of-home placement and issues
839 subsequently identified have been remedied to the extent that
840 the return of the child to the home with an in-home safety plan
841 prepared or approved by the department will not be detrimental

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842 to the child's safety, well-being, and physical, mental, and
843 emotional health.

844 (4)~~(3)~~ In cases where the issue before the court is whether
845 a child who is placed in the custody of a parent should be
846 reunited with the other parent upon a finding that the
847 circumstances that caused the out-of-home placement and issues
848 subsequently identified have been remedied to the extent that
849 the return of the child to the home of the other parent with an
850 in-home safety plan prepared or approved by the department will
851 not be detrimental to the child, the standard shall be that the
852 safety, well-being, and physical, mental, and emotional health
853 of the child would not be endangered by reunification and that
854 reunification would be in the best interest of the child.

855 Section 11. Subsection (8) of section 39.6011, Florida
856 Statutes, is amended to read:

857 39.6011 Case plan development.—

858 (8) The case plan must be filed with the court and copies
859 provided to all parties, including the child if appropriate:~~7~~
860 ~~not less than 3 business days before the disposition hearing.~~

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

864 (b) Not less than 72 hours before the case plan acceptance
865 hearing, if the disposition hearing occurs before the 60th day
866 after the date the child was placed in out-of-home care and a
867 case plan has not been submitted under this subsection, or if
868 the court does not approve the case plan at the disposition
869 hearing.

870 Section 12. Section 39.63, Florida Statutes, is created to

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871 read:

872 39.63 Case closure.—Unless s. 39.6251 applies, the court
873 shall close the judicial case for all proceedings under this
874 chapter by terminating protective supervision and its
875 jurisdiction as provided in this section.

876 (1) If a child is placed under the protective supervision
877 of the department, the protective supervision continues until
878 such supervision is terminated by the court or until the child
879 reaches the age of 18, whichever occurs first. The court shall
880 terminate protective supervision when it determines that
881 permanency has been achieved for the child and supervision is no
882 longer needed. If the court adopts a permanency goal of
883 reunification with a parent or legal custodian from whom the
884 child was initially removed, the court must retain jurisdiction
885 and the department must supervise the placement for a minimum of
886 6 months after reunification. The court shall determine whether
887 its jurisdiction should be continued or terminated based on a
888 report of the department or the child's guardian ad litem. The
889 termination of supervision may be with or without retaining
890 jurisdiction, at the court's discretion.

891 (2) The order terminating protective supervision must set
892 forth the powers of the legal custodian of the child and include
893 the powers originally granted to a guardian of the person of a
894 minor unless otherwise specified.

895 (3) Upon the court's termination of supervision by the
896 department, further judicial reviews are not required.

897 (4) The court must enter a written order terminating its
898 jurisdiction over a child when the child is returned to his or
899 her parent. However, the court must retain jurisdiction over the

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900 child for a minimum of 6 months after reunification and may not
901 terminate its jurisdiction until the court determines that
902 protective supervision is no longer needed.

903 (5) If a child was not removed from the home, the court
904 must enter a written order terminating its jurisdiction over the
905 child when the court determines that permanency has been
906 achieved.

907 (6) If a child is placed in the custody of a parent and the
908 court determines that reasonable efforts to reunify the child
909 with the other parent are not required, the court may, at any
910 time, order that the custodial parent assume sole custodial
911 responsibilities for the child, provide for reasonable
912 visitation by the noncustodial parent, and terminate its
913 jurisdiction over the child. If the court previously approved a
914 case plan that requires services to be provided to the
915 noncustodial parent, the court may not terminate its
916 jurisdiction before the case plan expires unless the court finds
917 by a preponderance of the evidence that it is not likely that
918 the child will be reunified with the noncustodial parent within
919 12 months after the child was removed from the home.

920 (7) When a child has been adopted under a chapter 63
921 proceeding, the court must enter a written order terminating its
922 jurisdiction over the child in the chapter 39 proceeding.

923 Section 13. Paragraph (a) of subsection (3) of section
924 39.801, Florida Statutes, is amended to read:

925 39.801 Procedures and jurisdiction; notice; service of
926 process.—

927 (3) Before the court may terminate parental rights, in
928 addition to the other requirements set forth in this part, the

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929 following requirements must be met:

930 (a) Notice of the date, time, and place of the advisory
931 hearing for the petition to terminate parental rights and a copy
932 of the petition must be personally served upon the following
933 persons, specifically notifying them that a petition has been
934 filed:

935 1. The parents of the child.

936 2. The legal custodians of the child.

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

940 4. Any person who has physical custody of the child.

941 5. Any grandparent entitled to priority for adoption under
942 s. 63.0425.

943 6. Any prospective parent who has been identified and
944 located under s. 39.503 or s. 39.803, unless a court order has
945 been entered under s. 39.503(5) or (11) or s. 39.803(5) or (11)
946 ~~pursuant to s. 39.503(4) or (9) or s. 39.803(4) or (9)~~ which
947 indicates no further notice is required. Except as otherwise
948 provided in this section, if there is not a legal father, notice
949 of the petition for termination of parental rights must be
950 provided to any known prospective father who is identified under
951 oath before the court or who is identified and located by a
952 diligent search of the Florida Putative Father Registry. Service
953 of the notice of the petition for termination of parental rights
954 is not required if the prospective father executes an affidavit
955 of nonpaternity or a consent to termination of his parental
956 rights which is accepted by the court after notice and
957 opportunity to be heard by all parties to address the best

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958 interests of the child in accepting such affidavit.

959 7. The guardian ad litem for the child or the
960 representative of the guardian ad litem program, if the program
961 has been appointed.

962

963 The document containing the notice to respond or appear must
964 contain, in type at least as large as the type in the balance of
965 the document, the following or substantially similar language:

966 "FAILURE TO PERSONALLY APPEAR AT THIS ADVISORY HEARING
967 CONSTITUTES CONSENT TO THE TERMINATION OF PARENTAL RIGHTS OF
968 THIS CHILD (OR CHILDREN). IF YOU FAIL TO APPEAR ON THE DATE AND
969 TIME SPECIFIED, YOU MAY LOSE ALL LEGAL RIGHTS AS A PARENT TO THE
970 CHILD OR CHILDREN NAMED IN THE PETITION ATTACHED TO THIS
971 NOTICE."

972 Section 14. Section 39.803, Florida Statutes, is amended to
973 read:

974 39.803 Identity or location of parent unknown after filing
975 of termination of parental rights petition; special procedures.—

976 (1) If the identity or location of a parent is unknown, and
977 a petition for termination of parental rights is filed, and the
978 court has not previously conducted an inquiry or entered an
979 order relieving the petitioner of further search or notice under
980 s. 39.503, the court shall conduct under oath the following
981 inquiry of the parent who is available, or, if no parent is
982 available, of any relative, caregiver, or legal custodian of the
983 child who is present at the hearing and likely to have the
984 information:

985 (a) Whether the mother of the child was married at the
986 probable time of conception of the child or at the time of birth

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987 of the child.

988 (b) Whether the mother was cohabiting with a male at the
989 probable time of conception of the child.

990 (c) Whether the mother has received payments or promises of
991 support with respect to the child or because of her pregnancy
992 from a man who claims to be the father.

993 (d) Whether the mother has named any man as the father on
994 the birth certificate of the child or in connection with
995 applying for or receiving public assistance.

996 (e) Whether any man has acknowledged or claimed paternity
997 of the child in a jurisdiction in which the mother resided at
998 the time of or since conception of the child, or in which the
999 child has resided or resides.

1000 (f) Whether a man is named on the birth certificate of the
1001 child under ~~pursuant to~~ s. 382.013(2).

1002 (g) Whether a man has been determined by a court order to
1003 be the father of the child.

1004 (h) Whether a man has been determined to be the father of
1005 the child by the Department of Revenue as provided in s.
1006 409.256.

1007 (2) The information required in subsection (1) may be
1008 supplied to the court or the department in the form of a sworn
1009 affidavit by a person having personal knowledge of the facts.

1010 (3) If the inquiry under subsection (1) identifies any
1011 person as a parent or prospective parent and that person's
1012 location is known, the court shall require notice of the hearing
1013 to be provided to that person. However, notice is not required
1014 to be provided to a prospective parent if there is an identified
1015 legal father, as defined in s. 39.01, of the child.

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1016 (4) If the inquiry under subsection (1) identifies a person
1017 as a legal father, as defined in s. 39.01, the court shall enter
1018 an order establishing the paternity of the father. Once an order
1019 establishing paternity has been entered, the court may not take
1020 any action to disestablish this paternity in the absence of an
1021 action filed under chapter 742. An action filed under chapter
1022 742 concerning a child who is the subject in a dependence
1023 proceeding must comply with s. 742.0211.

1024 ~~(5)~~(4) If the inquiry under subsection (1) fails to
1025 identify any person as a parent or prospective parent, the court
1026 shall so find and may proceed without further notice and the
1027 petitioner is relieved of performing any further search.

1028 ~~(6)~~(5) If the inquiry under subsection (1) identifies a
1029 parent or prospective parent, and that person's location is
1030 unknown, the court shall direct the petitioner to conduct a
1031 diligent search for that person before scheduling an
1032 adjudicatory hearing regarding the petition for termination of
1033 parental rights to the child unless the court finds that the
1034 best interest of the child requires proceeding without actual
1035 notice to the person whose location is unknown. However, a
1036 diligent search is not required to be conducted for a
1037 prospective parent if there is an identified legal father, as
1038 defined in s. 39.01, of the child.

1039 ~~(7)~~(6) The diligent search required by subsection ~~(6)~~ (5)
1040 must include, at a minimum, inquiries of all known relatives of
1041 the parent or prospective parent, inquiries of all offices of
1042 program areas of the department likely to have information about
1043 the parent or prospective parent, inquiries of other state and
1044 federal agencies likely to have information about the parent or

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1045 prospective parent, inquiries of appropriate utility and postal
1046 providers, a thorough search of at least one electronic database
1047 specifically designed for locating persons, a search of the
1048 Florida Putative Father Registry, and inquiries of appropriate
1049 law enforcement agencies. Pursuant to s. 453 of the Social
1050 Security Act, 42 U.S.C. s. 653(c)(4), the department, as the
1051 state agency administering Titles IV-B and IV-E of the act,
1052 shall be provided access to the federal and state parent locator
1053 service for diligent search activities.

1054 (8)~~(7)~~ Any agency contacted by petitioner with a request
1055 for information under ~~pursuant to~~ subsection (7) ~~(6)~~ shall
1056 release the requested information to the petitioner without the
1057 necessity of a subpoena or court order.

1058 (9) If the inquiry and diligent search identifies and
1059 locates a parent, that person is considered a parent for all
1060 purposes under this chapter and must be provided notice of all
1061 hearings.

1062 (10)~~(8)~~ If the inquiry and diligent search identifies and
1063 locates a prospective parent and there is no legal father, that
1064 person must be given the opportunity to become a party to the
1065 proceedings by completing a sworn affidavit of parenthood and
1066 filing it with the court or the department. A prospective parent
1067 who files a sworn affidavit of parenthood while the child is a
1068 dependent child but no later than at the time of or before the
1069 adjudicatory hearing in the termination of parental rights
1070 proceeding for the child shall be considered a parent for all
1071 purposes under this chapter ~~section~~. A person does not have
1072 standing to file a sworn affidavit of parenthood or otherwise
1073 establish parenthood, except through adoption, after the entry

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1074 of a judgment terminating the parental rights of the legal
1075 father for a child. If the known parent contests the recognition
1076 of the prospective parent as a parent, the court having
1077 jurisdiction over the dependency matter shall conduct a
1078 determination of parentage proceeding under chapter 742. The
1079 prospective parent may not be recognized as a parent until
1080 proceedings to determine maternity or paternity have been
1081 concluded. However, the prospective parent shall continue to
1082 receive notice of hearings as a participant pending results of
1083 the proceedings to determine maternity or paternity.

1084 (11) ~~(9)~~ If the diligent search under subsection (6) ~~(5)~~
1085 fails to identify and locate a parent or prospective parent who
1086 was identified during the inquiry under subsection (1), the
1087 court shall so find and may proceed without further notice and
1088 the petitioner is relieved from performing any further search.

1089 Section 15. Paragraph (e) of subsection (1) and subsection
1090 (2) of section 39.806, Florida Statutes, are amended to read:

1091 39.806 Grounds for termination of parental rights.—

1092 (1) Grounds for the termination of parental rights may be
1093 established under any of the following circumstances:

1094 (e) When a child has been adjudicated dependent, a case
1095 plan has been filed with the court, and:

1096 1. The child continues to be abused, neglected, or
1097 abandoned by the parent or parents. The failure of the parent or
1098 parents to substantially comply with the case plan for a period
1099 of 12 months after an adjudication of the child as a dependent
1100 child or the child's placement into shelter care, whichever
1101 occurs first, constitutes evidence of continuing abuse, neglect,
1102 or abandonment unless the failure to substantially comply with

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1103 the case plan was due to the parent's lack of financial
1104 resources or to the failure of the department to make reasonable
1105 efforts to reunify the parent and child. The 12-month period
1106 begins to run only after the child's placement into shelter care
1107 or the entry of a disposition order placing the custody of the
1108 child with the department or a person other than the parent and
1109 the court's approval of a case plan having the goal of
1110 reunification with the parent, whichever occurs first; ~~or~~

1111 2. The parent or parents have materially breached the case
1112 plan by their action or inaction. Time is of the essence for
1113 permanency of children in the dependency system. In order to
1114 prove the parent or parents have materially breached the case
1115 plan, the court must find by clear and convincing evidence that
1116 the parent or parents are unlikely or unable to substantially
1117 comply with the case plan before time to comply with the case
1118 plan expires; or ~~or~~

1119 3. The child has been in care for any 12 of the last 22
1120 months and the parents have not substantially complied with the
1121 case plan so as to permit reunification under s. 39.522(3) ~~s.~~
1122 ~~39.522(2)~~ unless the failure to substantially comply with the
1123 case plan was due to the parent's lack of financial resources or
1124 to the failure of the department to make reasonable efforts to
1125 reunify the parent and child.

1126 (2) Reasonable efforts to preserve and reunify families are
1127 not required if a court of competent jurisdiction has determined
1128 that any of the events described in paragraphs (1) (b)-(d) or
1129 paragraphs (1) (f)-(n) ~~(1) (f)-(m)~~ have occurred.

1130 Section 16. Subsection (9) of section 39.811, Florida
1131 Statutes, is amended to read:

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1132 39.811 Powers of disposition; order of disposition.—

1133 (9) After termination of parental rights or a written order
1134 of permanent commitment entered under s. 39.5035, the court
1135 shall retain jurisdiction over any child for whom custody is
1136 given to a social service agency until the child is adopted. The
1137 court shall review the status of the child's placement and the
1138 progress being made toward permanent adoptive placement. As part
1139 of this continuing jurisdiction, for good cause shown by the
1140 guardian ad litem for the child, the court may review the
1141 appropriateness of the adoptive placement of the child. The
1142 department's decision to deny an application to adopt a child
1143 who is under the court's jurisdiction is reviewable only through
1144 a motion to file a chapter 63 petition as provided in s.
1145 39.812(4), and is not subject to chapter 120.

1146 Section 17. Subsections (1), (4), and (5) of section
1147 39.812, Florida Statutes, are amended to read:

1148 39.812 Postdisposition relief; petition for adoption.—

1149 (1) If the department is given custody of a child for
1150 subsequent adoption in accordance with this chapter, the
1151 department may place the child with an agency as defined in s.
1152 63.032, with a child-caring agency registered under s. 409.176,
1153 or in a family home for prospective subsequent adoption without
1154 the need for a court order unless otherwise required under this
1155 section. The department may allow prospective adoptive parents
1156 to visit with a child in the department's custody without a
1157 court order to determine whether the adoptive placement would be
1158 appropriate. The department may thereafter become a party to any
1159 proceeding for the legal adoption of the child and appear in any
1160 court where the adoption proceeding is pending and consent to

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1161 the adoption, and that consent alone shall in all cases be
1162 sufficient.

1163 (4) The court shall retain jurisdiction over any child
1164 placed in the custody of the department until the case is closed
1165 as provided in s. 39.63 ~~the child is adopted~~. After custody of a
1166 child for subsequent adoption has been given to the department,
1167 the court has jurisdiction for the purpose of reviewing the
1168 status of the child and the progress being made toward permanent
1169 adoptive placement. As part of this continuing jurisdiction, for
1170 good cause shown by the guardian ad litem for the child, the
1171 court may review the appropriateness of the adoptive placement
1172 of the child.

1173 (a) If the department has denied a person's application to
1174 adopt a child, the denied applicant may file a motion with the
1175 court within 30 days after the issuance of the written
1176 notification of denial to allow him or her to file a chapter 63
1177 petition to adopt a child without the department's consent. The
1178 denied applicant must allege in its motion that the department
1179 unreasonably withheld its consent to the adoption. The court, as
1180 part of its continuing jurisdiction, may review and rule on the
1181 motion.

1182 1. The denied applicant only has standing in the chapter 39
1183 proceeding to file the motion in paragraph (a) and to present
1184 evidence in support of the motion at a hearing, which must be
1185 held within 30 days after the filing of the motion.

1186 2. At the hearing on the motion, the court may only
1187 consider whether the department's review of the application was
1188 consistent with its policies and made in an expeditious manner.
1189 The standard of review by the court is whether the department's

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1190 denial of the application is an abuse of discretion. The court
1191 may not compare the denied applicant against another applicant
1192 to determine which placement is in the best interests of the
1193 child.

1194 3. If the denied applicant establishes by a preponderance
1195 of the evidence that the department unreasonably withheld its
1196 consent, the court shall enter an order authorizing the denied
1197 applicant to file a petition to adopt the child under chapter 63
1198 without the department's consent.

1199 4. If the denied applicant does not prove by a
1200 preponderance of the evidence that the department unreasonably
1201 withheld its consent, the court shall enter an order so finding
1202 and dismiss the motion.

1203 5. The standing of the denied applicant in the chapter 39
1204 proceeding is terminated upon entry of the court's order.

1205 (b) When a licensed foster parent or court-ordered
1206 custodian has applied to adopt a child who has resided with the
1207 foster parent or custodian for at least 6 months and who has
1208 previously been permanently committed to the legal custody of
1209 the department and the department does not grant the application
1210 to adopt, the department may not, in the absence of a prior
1211 court order authorizing it to do so, remove the child from the
1212 foster home or custodian, except when:

1213 1.-(a) There is probable cause to believe that the child is
1214 at imminent risk of abuse or neglect;

1215 2.-(b) Thirty days have expired following written notice to
1216 the foster parent or custodian of the denial of the application
1217 to adopt, within which period no formal challenge of the
1218 department's decision has been filed; ~~or~~

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1219 3.~~(e)~~ The foster parent or custodian agrees to the child's
1220 removal; or-

1221 4. The department has selected another prospective adoptive
1222 parent to adopt the child and either the foster parent or
1223 custodian has not filed a motion with the court to allow him or
1224 her to file a chapter 63 petition to adopt a child without the
1225 department's consent, as provided under paragraph (a), or the
1226 court has denied such a motion.

1227 (5) The petition for adoption must be filed in the division
1228 of the circuit court which entered the judgment terminating
1229 parental rights, unless a motion for change of venue is granted
1230 under ~~pursuant to~~ s. 47.122. A copy of the consent executed by
1231 the department must be attached to the petition, unless such
1232 consent is waived under subsection (4) ~~pursuant to s. 63.062(7)~~.
1233 The petition must be accompanied by a statement, signed by the
1234 prospective adoptive parents, acknowledging receipt of all
1235 information required to be disclosed under s. 63.085 and a form
1236 provided by the department which details the social and medical
1237 history of the child and each parent and includes the social
1238 security number and date of birth for each parent, if such
1239 information is available or readily obtainable. The prospective
1240 adoptive parents may not file a petition for adoption until the
1241 judgment terminating parental rights becomes final. An adoption
1242 proceeding under this subsection is governed by chapter 63.

1243 Section 18. Subsection (7) of section 63.062, Florida
1244 Statutes, is amended to read:

1245 63.062 Persons required to consent to adoption; affidavit
1246 of nonpaternity; waiver of venue.-

1247 (7) If parental rights to the minor have previously been

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1248 terminated, the adoption entity with which the minor has been
1249 placed for subsequent adoption may provide consent to the
1250 adoption. In such case, no other consent is required. If the
1251 minor has been permanently committed to the department for
1252 subsequent adoption, the department must consent to the adoption
1253 or, in the alternative, the court order entered under s.
1254 39.812(4) finding that the department ~~The consent of the~~
1255 ~~department shall be waived upon a determination by the court~~
1256 ~~that such consent is being~~ unreasonably withheld its consent
1257 must be attached to the petition to adopt, and if the petitioner
1258 must file ~~has filed with the court~~ a favorable preliminary
1259 adoptive home study as required under s. 63.092.

1260 Section 19. Paragraph (b) of subsection (6) of section
1261 63.082, Florida Statutes, is amended to read:

1262 63.082 Execution of consent to adoption or affidavit of
1263 nonpaternity; family social and medical history; revocation of
1264 consent.—

1265 (6)

1266 (b) Upon execution of the consent of the parent, the
1267 adoption entity is ~~shall be~~ permitted to intervene in the
1268 dependency case as a party in interest and must provide the
1269 court that acquired jurisdiction over the minor, pursuant to the
1270 shelter order or dependency petition filed by the department, a
1271 copy of the preliminary home study of the prospective adoptive
1272 parents and any other evidence of the suitability of the
1273 placement. The preliminary home study must be maintained with
1274 strictest confidentiality within the dependency court file and
1275 the department's file. A preliminary home study must be provided
1276 to the court in all cases in which an adoption entity has

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1277 intervened under ~~pursuant to~~ this section. The exemption in s.
1278 63.092(3) from the home study for a stepparent or relative does
1279 not apply if a minor is under the supervision of the department
1280 or is otherwise subject to the jurisdiction of the dependency
1281 court as a result of the filing of a shelter petition,
1282 dependency petition, or termination of parental rights petition
1283 under chapter 39. Unless the court has concerns regarding the
1284 qualifications of the home study provider, or concerns that the
1285 home study may not be adequate to determine the best interests
1286 of the child, the home study provided by the adoption entity is
1287 ~~shall be deemed to be~~ sufficient and no additional home study
1288 needs to be performed by the department.

1289 Section 20. Subsections (8) and (9) of section 402.302,
1290 Florida Statutes, are amended to read:

1291 402.302 Definitions.—As used in this chapter, the term:

1292 (8) "Family day care home" means an occupied primary
1293 residence leased or owned by the operator in which child care is
1294 regularly provided for children from at least two unrelated
1295 families and which receives a payment, fee, or grant for any of
1296 the children receiving care, whether or not operated for profit.
1297 Household children under 13 years of age, when on the premises
1298 of the family day care home or on a field trip with children
1299 enrolled in child care, are ~~shall be~~ included in the overall
1300 capacity of the licensed home. A family day care home is ~~shall~~
1301 ~~be~~ allowed to provide care for one of the following groups of
1302 children, which shall include household children under 13 years
1303 of age:

1304 (a) A maximum of four children from birth to 12 months of
1305 age.

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1306 (b) A maximum of three children from birth to 12 months of
1307 age, and other children, for a maximum total of six children.

1308 (c) A maximum of six preschool children if all are older
1309 than 12 months of age.

1310 (d) A maximum of 10 children if no more than 5 are
1311 preschool age and, of those 5, no more than 2 are under 12
1312 months of age.

1313 (9) "Household children" means children who are related by
1314 blood, marriage, or legal adoption to, or who are the legal
1315 wards of, the family day care home operator, the large family
1316 child care home operator, or an adult household member who
1317 permanently or temporarily resides in the home. Supervision of
1318 the operator's household children shall be left to the
1319 discretion of the operator unless those children receive
1320 subsidized child care through the school readiness program under
1321 ~~pursuant to~~ s. 1002.92 to be in the home.

1322 Section 21. Paragraph (a) of subsection (7), paragraphs (b)
1323 and (c) of subsection (9), and subsection (10) of section
1324 402.305, Florida Statutes, are amended to read:

1325 402.305 Licensing standards; child care facilities.—

1326 (7) SANITATION AND SAFETY.—

1327 (a) Minimum standards shall include requirements for
1328 sanitary and safety conditions, first aid treatment, emergency
1329 procedures, and pediatric cardiopulmonary resuscitation. The
1330 minimum standards shall require that at least one staff person
1331 trained and certified in cardiopulmonary resuscitation, as
1332 evidenced by current documentation of course completion, must be
1333 present at all times that children are present.

1334 (9) ADMISSIONS AND RECORDKEEPING.—

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1335 (b) At the time of initial enrollment and annually
1336 thereafter ~~During the months of August and September of each~~
1337 ~~year~~, each child care facility shall provide parents of children
1338 enrolled in the facility detailed information regarding the
1339 causes, symptoms, and transmission of the influenza virus in an
1340 effort to educate those parents regarding the importance of
1341 immunizing their children against influenza as recommended by
1342 the Advisory Committee on Immunization Practices of the Centers
1343 for Disease Control and Prevention.

1344 (c) At the time of initial enrollment and annually
1345 thereafter ~~During the months of April and September of each~~
1346 ~~year~~, at a minimum, each facility shall provide parents of
1347 children enrolled in the facility information regarding the
1348 potential for a distracted adult to fail to drop off a child at
1349 the facility and instead leave the child in the adult's vehicle
1350 upon arrival at the adult's destination. The child care facility
1351 shall also give parents information about resources with
1352 suggestions to avoid this occurrence. The department shall
1353 develop a flyer or brochure with this information that shall be
1354 posted to the department's website, which child care facilities
1355 may choose to reproduce and provide to parents to satisfy the
1356 requirements of this paragraph.

1357 (10) TRANSPORTATION SAFETY.—

1358 (a) Minimum standards for child care facilities, family day
1359 care homes, and large family child care homes shall include all
1360 of the following:

1361 1. Requirements for child restraints or seat belts in
1362 vehicles used by ~~child care facilities and large family child~~
1363 ~~care~~ homes to transport children.7

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1364 2. Requirements for annual inspections of such ~~the~~
1365 vehicles~~.~~

1366 3. Limitations on the number of children which may be
1367 transported in such ~~the~~ vehicles~~.~~

1368 4. Procedures to ensure that ~~avoid leaving~~ children are not
1369 inadvertently left in vehicles when transported by a ~~the~~
1370 facility or home, and that systems are in place to ensure
1371 accountability for children transported by such facilities or
1372 homes ~~the child care facility~~.

1373 (b) Before providing transportation services or reinstating
1374 transportation services after a lapse or discontinuation of
1375 longer than 30 days, a child care facility, family day care
1376 home, or large family child care home must be approved by the
1377 department to transport children. Approval by the department is
1378 based on the provider's demonstration of compliance with all
1379 current rules and standards for transportation.

1380 (c) A child care facility, family day care home, or large
1381 family child care home is not responsible for the safe transport
1382 of children when they are being transported by a parent or
1383 guardian.

1384 Section 22. Subsections (14) and (15) of section 402.313,
1385 Florida Statutes, are amended to read:

1386 402.313 Family day care homes.—

1387 (14) At the time of initial enrollment and annually
1388 thereafter ~~During the months of August and September of each~~
1389 ~~year~~, each family day care home shall provide parents of
1390 children enrolled in the home detailed information regarding the
1391 causes, symptoms, and transmission of the influenza virus in an
1392 effort to educate those parents regarding the importance of

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1393 immunizing their children against influenza as recommended by
1394 the Advisory Committee on Immunization Practices of the Centers
1395 for Disease Control and Prevention.

1396 (15) At the time of initial enrollment and annually
1397 thereafter ~~During the months of April and September of each~~
1398 ~~year~~, at a minimum, each family day care home shall provide
1399 parents of children attending the family day care home
1400 information regarding the potential for a distracted adult to
1401 fail to drop off a child at the family day care home and instead
1402 leave the child in the adult's vehicle upon arrival at the
1403 adult's destination. The family day care home shall also give
1404 parents information about resources with suggestions to avoid
1405 this occurrence. The department shall develop a flyer or
1406 brochure with this information that shall be posted to the
1407 department's website, which family day care homes may choose to
1408 reproduce and provide to parents to satisfy the requirements of
1409 this subsection.

1410 Section 23. Subsections (8), (9), and (10) of section
1411 402.3131, Florida Statutes, are amended to read:

1412 402.3131 Large family child care homes.—

1413 (8) Before ~~Prior to~~ being licensed by the department, large
1414 family child care homes must be approved by the state or local
1415 fire marshal in accordance with standards established for child
1416 care facilities.

1417 (9) At the time of initial enrollment and annually
1418 thereafter ~~During the months of August and September of each~~
1419 ~~year~~, each large family child care home shall provide parents of
1420 children enrolled in the home detailed information regarding the
1421 causes, symptoms, and transmission of the influenza virus in an

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1422 effort to educate those parents regarding the importance of
1423 immunizing their children against influenza as recommended by
1424 the Advisory Committee on Immunization Practices of the Centers
1425 for Disease Control and Prevention.

1426 (10) At the time of initial enrollment and annually
1427 thereafter ~~During the months of April and September of each~~
1428 ~~year~~, at a minimum, each large family child care home shall
1429 provide parents of children attending the large family child
1430 care home information regarding the potential for a distracted
1431 adult to fail to drop off a child at the large family child care
1432 home and instead leave the child in the adult's vehicle upon
1433 arrival at the adult's destination. The large family child care
1434 home shall also give parents information about resources with
1435 suggestions to avoid this occurrence. The department shall
1436 develop a flyer or brochure with this information that shall be
1437 posted to the department's website, which large family child
1438 care homes may choose to reproduce and provide to parents to
1439 satisfy the requirements of this subsection.

1440 Section 24. Subsection (6) and paragraphs (b) and (e) of
1441 subsection (7) of section 409.1451, Florida Statutes, are
1442 amended to read:

1443 409.1451 The Road-to-Independence Program.—

1444 (6) ACCOUNTABILITY.—The department shall develop outcome
1445 measures for the program and other performance measures ~~in order~~
1446 ~~to maintain oversight of the program. No later than January 31~~
1447 ~~of each year, the department shall prepare a report on the~~
1448 ~~outcome measures and the department's oversight activities and~~
1449 ~~submit the report to the President of the Senate, the Speaker of~~
1450 ~~the House of Representatives, and the committees with~~

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1451 ~~jurisdiction over issues relating to children and families in~~
1452 ~~the Senate and the House of Representatives. The report must~~
1453 ~~include:~~

1454 ~~(a) An analysis of performance on the outcome measures~~
1455 ~~developed under this section reported for each community-based~~
1456 ~~care lead agency and compared with the performance of the~~
1457 ~~department on the same measures.~~

1458 ~~(b) A description of the department's oversight of the~~
1459 ~~program, including, by lead agency, any programmatic or fiscal~~
1460 ~~deficiencies found, corrective actions required, and current~~
1461 ~~status of compliance.~~

1462 ~~(c) Any rules adopted or proposed under this section since~~
1463 ~~the last report. For the purposes of the first report, any rules~~
1464 ~~adopted or proposed under this section must be included.~~

1465 (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The
1466 secretary shall establish the Independent Living Services
1467 Advisory Council for the purpose of reviewing and making
1468 recommendations concerning the implementation and operation of
1469 the provisions of s. 39.6251 and the Road-to-Independence
1470 Program. The advisory council shall function as specified in
1471 this subsection until the Legislature determines that the
1472 advisory council can no longer provide a valuable contribution
1473 to the department's efforts to achieve the goals of the services
1474 designed to enable a young adult to live independently.

1475 ~~(b) The advisory council shall report to the secretary on~~
1476 ~~the status of the implementation of the Road-to-Independence~~
1477 ~~Program, efforts to publicize the availability of the Road-to-~~
1478 ~~Independence Program, the success of the services, problems~~
1479 ~~identified, recommendations for department or legislative~~

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1480 ~~action, and the department's implementation of the~~
1481 ~~recommendations contained in the Independent Living Services~~
1482 ~~Integration Workgroup Report submitted to the appropriate~~
1483 ~~substantive committees of the Legislature by December 31, 2013.~~
1484 ~~The department shall submit a report by December 31 of each year~~
1485 ~~to the Governor, the President of the Senate, and the Speaker of~~
1486 ~~the House of Representatives which includes a summary of the~~
1487 ~~factors reported on by the council and identifies the~~
1488 ~~recommendations of the advisory council and either describes the~~
1489 ~~department's actions to implement the recommendations or~~
1490 ~~provides the department's rationale for not implementing the~~
1491 ~~recommendations.~~

1492 ~~(c) The advisory council report required under paragraph~~
1493 ~~(b) must include an analysis of the system of independent living~~
1494 ~~transition services for young adults who reach 18 years of age~~
1495 ~~while in foster care before completing high school or its~~
1496 ~~equivalent and recommendations for department or legislative~~
1497 ~~action. The council shall assess and report on the most~~
1498 ~~effective method of assisting these young adults to complete~~
1499 ~~high school or its equivalent by examining the practices of~~
1500 ~~other states.~~

1501 Section 25. Section 742.0211, Florida Statutes, is created
1502 to read:

1503 742.0211 Proceedings applicable to dependent children.—

1504 (1) As used in this section, the term "dependent child"
1505 means a child who is the subject of any proceeding under chapter
1506 39.

1507 (2) In addition to the other requirements of this chapter,
1508 any paternity proceeding filed under this chapter that concerns

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1509 a dependent child must also comply with the requirements of this
1510 section.

1511 (3) Notwithstanding s. 742.021(1), a paternity proceeding
1512 filed under this chapter that concerns a dependent child may be
1513 filed in the circuit court of the county that is exercising
1514 jurisdiction over the chapter 39 proceeding, even if the
1515 plaintiff or defendant do not reside in that county.

1516 (4) The court having jurisdiction over the dependency
1517 matter may conduct any paternity proceeding filed under this
1518 chapter either as part of the chapter 39 proceeding or as a
1519 separate action under this chapter.

1520 (5) A person does not have standing to file a complaint
1521 under this chapter after the entry of a judgment terminating the
1522 parental rights of the legal father, as defined in s. 39.01, for
1523 the dependent child in the chapter 39 proceeding.

1524 (6) The court must hold a hearing on the complaint
1525 concerning a dependent child as required under s. 742.031 within
1526 30 days after the complaint is filed.

1527 (7) (a) If the dependent child has a legal father, as
1528 defined in s. 39.01, and a different man, who has reason to
1529 believe that he is the father of the dependent child, has filed
1530 a complaint to establish paternity under this chapter and
1531 disestablish the paternity of the legal father, the alleged
1532 father must prove at the hearing held under s. 742.031 that:

1533 1. He has acted with diligence in seeking the establishment
1534 of paternity.

1535 2. He is the father of the dependent child.

1536 3. He has manifested a substantial and continuing concern
1537 for the welfare of the dependent child.

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1538 (b) If the alleged father establishes the facts under
1539 paragraph (a), he must then prove by clear and convincing
1540 evidence that there is a clear and compelling reason to
1541 disestablish the legal father's paternity and instead establish
1542 paternity with him by considering the best interest of the
1543 dependent child.

1544 (c) There is a rebuttable presumption that it is not in the
1545 dependent child's best interest to disestablish the legal
1546 father's paternity if:

1547 1. The dependent child has been the subject of a chapter 39
1548 proceeding for 12 months or more before the alleged father files
1549 a complaint under this chapter.

1550 2. The alleged father does not pass a preliminary home
1551 study as required under s. 63.092 to be a placement for the
1552 dependent child.

1553 (8) The court must enter a written order on the paternity
1554 complaint within 30 days after the conclusion of the hearing.

1555 (9) If the court enters an order disestablishing the
1556 paternity of the legal father and establishing the paternity of
1557 the alleged father, then that person shall be considered a
1558 parent, as defined in s. 39.01, for all purposes of the chapter
1559 39 proceeding.

1560 Section 26. This act shall take effect October 1, 2020.