

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: February 19, 1998 Revised: \_\_\_\_\_

Subject: Family Bill of Rights Act

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Geraci</u>	<u>Moody</u>	<u>JU</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill substantially revises the law pertaining to criteria, procedures and proceedings relating to taking into custody a child alleged to be abused, neglected or abandoned. It:

- Allows an agent of the Department of Children and Family Services (the department) or law enforcement officer to take a child into custody without a court order due to a medical emergency or if in the judgment of that official the child is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment or has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care. Also, by law enforcement officer only if the officer believes the child is a runaway or is truant from school;
- Provides criteria for issuance of an emergency court order to take a child alleged to have been abused, neglected, or abandoned into protective custody and protocol for the court to issue the order orally if necessary to avoid delay for the protection of the child;
- Provides criminal penalties for knowingly making false statements in sworn affidavits and for improperly removing a child without a court order;
- Provides for the appointment of an attorney for the child’s parent or guardian at government expense to provide representation at the shelter hearing with a cap on the amount of compensation;
- Accelerates the time for hearings related to children taken into protective custody or for whom protective custody is sought;
- Makes corresponding changes in the notice requirements;
- Increases the standard of proof in an adjudicatory hearing on dependency;
- Provides that the “prevailing parent” in a ch. 39, F.S., dependency action may be awarded attorneys fees and costs under s. 57.111, F.S.;
- Requires that interviews with children be audio-recorded or videotaped;

- Requires that when the department is denied access to the child by the child's parent or guardian that the department must show cause to the court that the interview or examination is necessary before it can occur;
- Allows use of closed circuit television for juvenile detention hearings if specified access to legal representation is provided;
- Provides that in the context of a ch. 61 or ch. 741, F.S., proceeding, the court, upon good cause shown, can release the department's file on an allegation of child abuse to the alleged perpetrator if a court determines that there is no danger to the child or the reporter;
- Allows an award of attorney's fees regarding the motion to gain access to the file if the court determines the report is false;
- Creates a civil cause of action against a person who makes a false report of child abuse.

The bill amends the following sections of the Florida Statutes: 39.401, 39.402, 39.404, 39.408, 39.409, 415.5017, 415.504, 415.505, 415.51, 415.513, 933.18, 985.211, 985.215, 39.415, 57.111, and 61.16.

This bill has an effective date of October 1, 1998.

## II. Present Situation:

### A. Shelter Provisions

The procedures for taking a child alleged to be dependent into custody, determining the child's need for continued custody or release, and the placement of the child in a shelter when indicated are set out in ss. 39.40-39.402, F.S.

A child can be taken from the custody of his parents under the following circumstances only:

- 1) Pursuant to an order of a circuit court based on sworn testimony; and
- 2) By a law enforcement officer or an authorized agent of the department if they have probable cause to support a finding of reasonable grounds for removal of the child from the home. s. 39.401, F.S.

Reasonable grounds for removal include: that the child has been abused, neglected, or abandoned, or is suffering from or is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment; that the custodian of the child has materially violated a condition of placement imposed by the court; or that the child has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care. *Id.*

A child presently can be taken into protective custody by a physician or hospital when the circumstances are such, or the condition of the child is such, that continuing the child in the child's place of residence or in the care or custody of the parents, legal guardian, or legal custodian presents an imminent danger to the child's life or physical or mental health.

s. 415.506, F.S. A law enforcement officer can take a child into protective custody when the

officer discovers a child in imminent danger during a search conducted pursuant to a warrant. s. 933.18, F.S.

In all of these situations, the law provides that the child be placed in the custody of an authorized agent of the department. The department's legal staff must review the facts supporting the removal of the child from the home prior to the emergency shelter hearing. The purpose of the review is to determine if probable cause exists for the filing of an emergency shelter petition under s. 39.402(1), F.S. If the facts are sufficient to support the petition, and the child has not been returned to the custody of the parent or legal guardian, the department must file the petition and schedule a hearing under s. 39.401, F.S. Further, the emergency shelter hearing must be held before the circuit court within 24 hours after the child's removal. While waiting for the emergency shelter hearing, the department may place the child into licensed shelter care or may release the child to a parent, guardian, legal custodian, responsible adult relative who must be given priority consideration over a nonrelative placement or to a responsible adult approved by the department.

A child may not be placed in a shelter prior to a court hearing unless there are reasonable grounds for removal and the removal is necessary to protect the child. s. 39.402, F.S.

Presently, there are no criminal penalties specifically available against an agent of the department who inappropriately takes a child into custody. Further, agents of the department have good faith immunity for their actions in the investigation and reporting of child abuse and neglect, including the taking of a child into protective custody. s. 415.111, F.S.

In cases where a child is taken into custody, the department is required to notify the parents or legal guardian immediately and provide them with a summary of the dependency procedures and their right to obtain their own attorney. s. 39.402, F.S. Further, the parents or legal custodians of the child must be given actual notice of the date, time, and location of the emergency shelter hearing. *Id.* In those cases where these notification efforts are unsuccessful, the person providing or attempting to provide the notice must advise the court, either in person or by sworn affidavit, of their attempts to provide notice and the result of those attempts. *Id.* At the emergency shelter hearing, the department must establish probable cause that reasonable grounds for removal of the child exist and that the provision of appropriate and available services will not eliminate the need for placement. The parents or legal custodians must be given an opportunity to be heard and to present evidence at the emergency shelter hearing. *Id.* Currently, only parents who are found by the court to be indigent may have counsel appointed in dependency proceedings, including the emergency shelter hearing. s. 39.017, F.S.

Current law provides that parents be notified of all proceedings involving the child including shelter hearings. s. 39.405, F.S. However, the parent or guardian of a child involved in these proceedings currently may not have access to the file regarding the allegations for up to 30 days after the department receives the report of abuse, neglect or abandonment. s. 415.51(2)(d), F.S. Any released information must have removed from it information that would be confidential or exempt by law. *Id.* No exception is made permitting an attorney for the child's parent or guardian access to the information regarding the allegation and it is a misdemeanor for anyone including the

parent to reveal this information to a person who is not specifically provided access in the statute. s. 415.513, F.S. Thus, a parent may not have obtained access to the department's file until after the emergency hearing has occurred or even after the time for the dependency hearing has passed. Further, at no time does the statute provide specifically for access to the file by the attorney for the child's parent or guardian.

## **B. Dependency Provisions**

The procedures for the filing of a petition for dependency are set out in s. 39.404, F.S. Dependency proceedings are initiated by the filing of a petition by either an attorney for the department or a person who has knowledge of the alleged facts. *Id.* In cases where a child is taken into custody, a petition alleging dependency must be filed within 7 days after the child is taken into custody. s. 39.404(4), F.S. In all other cases, the petition must be filed within a reasonable time after the date the child was referred for a protective investigation under s. 39.403, F.S.

When a child has been detained by order of the court, an arraignment hearing must be held within 14 days from the date the child is taken into custody for the parent, guardian, or custodian to admit, deny, or consent to findings of dependency alleged in the petition. s. 39.408, F.S. However, the Dependency Court Improvement Program study noted that only 45 percent of cases study actually complied with the statutorily mandated time frame, creating an average of 40 days between the shelter hearing and the arraignment. Office of the State Courts Administrator, *Florida's Dependency Court Improvement Program Assessment Report* at 38 (August 1997) [hereinafter DCIP]. It is important for the parent to know the contents of the petition in order for them to prepare a response. If the parent, guardian, or custodian admits or consents to the findings in the petition, the court must proceed as set forth in the Florida Rules of Juvenile Procedure. If the parent, guardian, or custodian denies any of the allegations contained in the petition, the court must hold an adjudicatory hearing within 7 days from the date of the arraignment hearing unless a continuance is granted pursuant to s. 39.402(11), F.S. However, the DCIP study found that the time elapsed between the arraignment and the adjudicatory hearing is 52 days on the average. *Id.* at 39. Adjudicatory hearings are conducted by the judge without a jury, applying rules of evidence used in civil cases and adjourning the hearings from time to time as necessary. In a hearing on a petition in which it is alleged that the child is dependent, a preponderance of evidence is required to establish the state of dependency. If the child named in the petition is not dependent, the order is entered and the case is dismissed. s. 39.409, F.S.

Dependency adjudicatory hearings may be delayed when a continuance is granted at the request of the department's attorney because of the lack of evidence when the attorney has exercised "due diligence" to obtain evidence and there is reason to believe that evidence will be available within 30 days. If the department is not prepared to present its case within 30 days, the parent or guardian may move for issuance of an order to show cause or the court on its own motion may impose appropriate sanctions which could include dismissal of the petition. A delay may be granted to allow the attorney for the department additional time to prepare the case because of the exceptional circumstances of the case. The child's attorney or the parents' attorney may also request reasonable periods of delay. s. 39.402(10), F.S.

Currently, there is no authority for the child's parent or guardian to pursue an award of attorneys fees and costs in a ch. 39, F.S., proceeding.

### **C. Abuse Hotline**

Part IV of ch. 415, F.S., contains the provisions for Florida's comprehensive protective services for abused and neglected children. The law requires that reports of each abused and neglected child be made to the department in an effort to prevent further harm to the child or any other children living in the home and to preserve the family life of the parents and children to the maximum extent possible by enhancing the parental capacity for adequate child care.

Any person who knows or has reason to believe that a child is an abused or neglected child must report that knowledge or suspicion to the department. s. 415.504, F.S. The department must establish and maintain a central abuse hotline which receives all reports of child abuse or neglect in writing or through a single toll-free (abuse hotline) telephone number 24 hours a day, 7 days a week. *Id.* Reports are received from persons who disclose their identity and those who wish to remain anonymous. Current law requires that the reporters in designated occupation categories in must provide their names to the hotline staff when making a report. s. 415.504(1), F.S. Hotline counselors must receive periodic training in encouraging reporters to provide their names when reporting abuse. s. 415.504, F.S. Anyone reporting child abuse or neglect under ch. 415 who is acting in good faith is immune from liability. s. 415.511, F.S. However, anyone who knowingly and willfully makes a false report of child abuse or neglect or advises another to make a false report is guilty of a misdemeanor of the second degree punishable as provided in s. 775.082 or s. 775.083, F.S., and, in addition, may be subject to an administrative fine by the department not to exceed \$1000 for each violation. ss. 415.513(4) and 415.5131(1), F.S., respectively. There is currently no cause of action that may be pursued against a person filing a false report by anyone other than the department or the state attorney.

The department is required to install electronic equipment which automatically provides to the hotline the number from which the call is placed. s. 415.504, F.S. The number will be entered into the report and will be confidential pursuant to s. 415.51(9), F.S. *Id.*

Currently, the name of any person reporting child abuse, abandonment, or neglect may not be released to any persons other than department employees responsible for child protective services, the central abuse hotline, or the appropriate state attorney unless written consent is given by the person making the report. s. 415.51(4), F.S. Currently, there is no legal standing for the alleged perpetrator to receive the name of the person reporting the alleged abuse.

### **D. Audio-recording and Videotaping of Interviews**

There is presently no requirement that an interview with a child be audio-recorded or videotaped. There is no prohibition against care givers audio-recording or videotaping interactions with department personnel, although it is a felony to audio-record or videotape a person without the consent of the person being recorded. s. 934.03, F.S.

### **E. Juvenile Detention Hearings**

Provisions for a child who is taken into custody under s. 985.215(1), F.S., for a delinquent act or violation of law and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing are set out in s. 985.215, F.S.

### **F. Florida Equal Access to Justice Act**

In the Florida Equal Justice Act, the Legislature recognized that certain persons may be deterred from seeking redress against unreasonable governmental action because of the expense of legal proceedings. s. 57.111(1), F.S. In that act, the Legislature found that because of the greater resources of the state, the standard for an award of attorney's fees and costs against the state should be different from the standard for an award against a private litigant to diminish the deterrent effect of such costs in seeking redress. *Id.* This section provides guidelines for pursuing an award of attorney's fees and costs in an action initiated by a state agency if the opposing party "prevails" in that action.

## **III. Effect of Proposed Changes:**

### **A. Shelter Provisions**

The bill narrows the current criteria under which an agent of the department or law enforcement officer may take a child into custody *without a court order* to:

1. A medical emergency,
2. If, in the judgment of that official, the child is in imminent danger of illness or injury as a result of abuse, neglect, or abandonment,
3. If, in the judgment of that official, the child has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care; or
4. A belief that the child is a runaway or is truant from school (*law enforcement only*).

A person who takes a child into custody without a valid court order under circumstances other than those excepted by statute, is guilty of a misdemeanor of the first degree and subject to statutory penalties. s. 39.4015, F.S.

In situations that do not meet the criteria for taking a child into protective custody without a court order, the department must petition the court for an emergency order to remove a child from the home. The petition must be accompanied by a sworn affidavit by the department's agent who has personal knowledge of the case and must contain an allegation that the child appears to have been abused, neglected, or abandoned and the basis for that allegation. If it is necessary for the protection of the child to avoid delay then the petition, affidavit or order may be done orally so long as it is subsequently reduced to writing and a copy is provided to the child's parent or guardian before the emergency shelter hearing.

A person who knowingly makes or assists another person in making a false statement in a sworn affidavit stating that a child is in immediate danger is guilty of a felony of the third degree and subject to statutory penalties. s. 39.402(2)(c), F.S. A person who is acting in good faith is immune from this criminal liability. *Id.* The Florida Casualty Insurance Risk Management Trust Fund defined in ss. 284.30 and 284.31, F.S., includes financial liability protection for state employees against whom criminal charges and penalties are filed. s. 768.28, F.S. There is no civil immunity for officers, employees or agents of the state if the person acted in bad faith or in a manner exhibiting wanton and willful disregard of human rights, safety or property. *Id.*

The bill amends s. 933.18, F.S., deleting language which currently permits a law enforcement officer to take a child into protective custody when the officer discovers a child in imminent danger during a search conducted pursuant to a warrant. However, as the provisions created by the bill permitting removal of a child by a law enforcement officer without court order use the same imminent danger criteria, the deletion of this provision would appear to have no real effect.

According to the data from the Florida Abuse Hotline Information System, the child protective investigator removed the child in 6.48 percent of the total cases investigated during FY 1995-96 and 5.97 percent of the cases investigated during FY 1996-97. The following table presents the number of child protective investigations and placements by the department for Fiscal Years 1994-95, 1995-96, and 1996-97. The data includes, by fiscal year, the number of children not placed out of the home, the number of children placed in emergency shelter, the number of children released to relatives with parental consent, and the number of children detained with relatives without parental consent:

Fiscal Year	Not Placed		Emergency Shelter		Detained With Relative		Placed With Relative		Total	
	#	%	#	%	#	%	#	%	#	%
1994-95	153,110	93.26%	5,388	3.28%	1,182	0.72%	4,489	2.73%	164,169	100.00%
1995-96	152,704	93.52%	5,117	3.13%	1,122	0.69%	4,349	2.66%	163,292	100.00%
1996-97	155,784	94.03%	5,235	3.16%	908	0.55%	3,743	2.26%	165,670	100.00%

According to these figures, 9,886 children were placed either with a relative or in emergency shelter pending an emergency shelter hearing. The bill provides that the parent or guardian of each child requiring an emergency shelter hearing will be appointed an attorney and caps compensation for that representation at \$500. Assuming two parents per child (this takes into account the number of children with less than one parent and those with more than two parents) and the maximum fee allowed incurred in each case, this results in an estimated cost of \$4,943,000. However, according to the department’s general counsel, approximately 75 percent of these parents and guardians already receive representation under the s. 39.017, F.S., indigency provisions. Thus, the impact of this portion of the bill would actually be approximately \$1,236,000. Providing legal representation to all parents and guardians at the emergency hearing stage is among the recommendations of the Dependency Court Improvement Project which

examined the dependency courts of Florida under a multimillion dollar grant. *DCIP* at 13. According to the DCIP, Broward, Dade, Lee, Orange, Osceola, and Palm Beach Counties routinely appoint attorneys for the parent or guardian of each child for the emergency shelter hearing or the arraignment. *Id.* at 29.

Consistent with current law, the bill requires that the court hold an emergency hearing 24 hours after the child is removed to determine if the emergency removal should continue and requires that the child's parents or guardian be given actual notice by an agent of the department of the date, time, and place of the hearing. The notice to the parents about the shelter hearing must include a detailed explanation that contains the reasons for the child's removal from the home, a summary of the procedures involved in dependency cases, and the parent's right to obtain an attorney or to have one appointed.

## **B. Dependency Provisions**

The bill shortens from 7 days to 5 days the time within which a petition alleging dependency must be filed. s. 39.404, F.S. It also shortens from 14 days to 7 days the time within which the arraignment hearing must be held after the child is first taken into custody. s. 39.408, F.S. Because the adjudicatory hearing occurs 7 days after the date of the arraignment hearing, the time frame for the adjudicatory hearing would change to 14 days after the child is taken into custody. This bill requires that the parents receive a copy of the dependency petition at least 48 hours before the arraignment hearing. The bill specifies that in an adjudicatory hearing on dependency, "clear and convincing" evidence would be required to establish the state of dependency, rather than the current "preponderance of the evidence" standard. These changes may result in cases being more difficult to prove because the department would be given less time to substantiate its case. The State Court Administrator's Office estimates that changing the evidence standard will approximately double the time required for dependency proceedings from the average of 4 hours to a minimum of one full day.

Except the provision allowing additional time "because of an exceptional circumstance" the bill retains current statutory provisions that allow the department to seek a continuance for additional time to prepare for the adjudicatory hearing because of the unavailability of evidence material to the case. s. 39.402(10)(b)2., F.S.

The bill provides that when the child named in the petition is found not to be dependent that the court may award attorney's fees and costs to the parent or guardian under s. 57.111, F.S., or to the county if the parent or guardian was represented by court appointed counsel. Section 57.111, F.S., is amended to include the concept of a "prevailing parent" defined as a parent or guardian who was a party to a proceeding under ch. 39, F.S., which did not result in an adjudication of dependency under s. 39.409, F.S. This section provides that an award of attorney's fees shall be paid to a prevailing party unless the actions of the agency "were substantially justified or special circumstances exist which would make the award unjust." Application for fees must be made within 60 days after the person becomes a "prevailing parent" by submission of an affidavit by the person's attorney itemizing the fees and costs sought to the court which conducted the



ch. 39, F.S., proceeding. Payment of these fees when awarded will come from the department's budget.

### **C. Abuse Hotline**

The bill requires that anonymous reports that need an immediate protective investigation be referred to the district for investigation within 24 hours. Further, the investigation must be limited in scope to the original allegations reported. s. 415.504, F.S. The investigator would report any additional evidence of other abuse that may be observed while conducting the investigation. This proposal is consistent with current departmental policy for investigating anonymous reports.

The bill provides that in the context of a ch. 61 (dissolution of marriage; custody of children) or ch. 741, F.S., (domestic violence) proceeding the court, upon good cause shown, can release the department's file regarding an allegation of child abuse to the alleged perpetrator if a court determines that there is no danger to the child or the reporter, s. 415.51, F.S. Further, the bill allows an award of attorney's fees regarding the motion to gain access to the file if the court determines the report is false. s. 61.16, F.S. In addition to the current criminal penalties and administrative fines that may be imposed on a person making a false report of child abuse to the department or a person who advised another to make a false report, the bill provides a civil cause of action for up to threefold damages with minimum damages in the amount of \$1,000 and reasonable attorneys fees and costs in trial and appellate court.

### **D. Audio-recording and Videotaping of Interviews**

This bill requires that the department staff audio-record or videotape all interviews with the child that are conducted outside the presence of the child's parent or legal guardian. s. 415.5017, F.S. This audio-recording or videotaping the interviews would provide an accurate record that could protect the child, the family and the worker.

When the investigator is denied access to a child, the bill amends current law to require the department to show cause to the court and obtain a court order prior to examining and interviewing the child. s. 415.505, F.S. The interview must be audio-recorded or videotaped.

### **E. Juvenile Detention Hearing**

The bill allows detention hearings to be conducted by closed circuit television if the child has immediate access to his legal representative and is given the opportunity to confer privately with his legal representatives. s. 985.215, F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The penalty provisions in of the bill would have a fiscal impact on child protective investigators against whom criminal charges could be filed if it is alleged that they inappropriately took a child into custody without a valid court order or that they knowingly made or assisted another person in making a false statement in a sworn affidavit stating that a child is in immediate danger. The former is a first degree misdemeanor and the later is a third degree felony, punishable under ss. 775.82 and 775.83, F.S. Further, a person who makes a false report of child abuse could face a civil cause of action in addition to the penalties currently allowed. A person who makes a report while a party with the alleged perpetrator in a ch. 61 or ch. 741, F.S., action could face exposure and attorneys fees for the motion to gain access to the file.

## C. Government Sector Impact:

1. If the bill results in fewer child protective investigations and fewer children are removed from their homes and placed in alternate care, there could be a cost savings to the state (e.g., fewer department child protection and child welfare staff and lower foster care costs). However, if children who are in danger come to harm during the time period required to obtain a court order, the state could face additional costs in medical care and other services to the child.

2. The State Court Administrator’s Office reports that the requirement that a court order be obtained prior to removal of the child will require access to the courts on a 24-hour basis.
3. The State Court Administrator's Office states that based on their discussions with the judiciary, the increased burden of proof from "preponderance" to "clear and convincing" would increase the time required for dependency proceedings from the average of 4 hours to a minimum of one full day. Based on 6,837 dependency petitions filed in FY 1995-96, an additional 27,348 hours of judicial time would be needed.
4. According to the department’s figures, 9,886 children were placed either with a relative or in emergency shelter pending an emergency shelter hearing. The bill provides that the parent or guardian of each child requiring an emergency shelter hearing will be appointed an attorney and caps compensation for that representation at \$500. Assuming two parents per child (this takes into account the number of children with less than one parent and those with more than two “parents”) and the maximum fee allowed incurred in each case, this results in an estimated cost of \$4,943,000. However, according to the department’s general counsel, approximately 75 percent of these parents and guardians already receive representation under the s. 39.017, F.S., indigency provisions. Thus, the impact of this portion of the bill would actually be approximately \$1,236,000.
5. The bill requires that the attorney’s fees and costs to the parent or guardian be paid by the state (specifically from the department’s budget) when the child named in the petition is found not to be dependent. s. 39.415, F.S. Currently, there is statutory limit of \$1,000 for trial appointed counsel that is paid by the county. s. 39.415, F.S. In 1993-94, 43 petitions were dismissed statewide for a total of \$43,000. (The State Court Administrator’s Office states that the counties would be responsible for this cost.)
6. The department is not equipped to audio-record or videotape all interactions with children. They would need to purchase and distribute the proper equipment as well as train the affected departmental staff and contract agencies. According to a 1997 Department of Children and Families Bill Analysis, these costs would include the following:

Video cameras (\$900 per camera, 10 cameras for each of the 46 service centers);	\$414,000
Audio-recorders (\$50 per record, 10 recorders for each of the 46 service centers);	\$ 23,000
Tapes (1,000 tapes per month for each of the 15 districts);	<u>\$540,000</u>
Total Cost---(\$540,000 would be recurring annually)	\$977,000

**VI. Technical Deficiencies:****A. Actual Notice to the Parents**

While the bill maintains current law that the parents receive “actual notice” of the shelter hearing and rights and information pertaining to it, there are no specifications for what “actual notice” is or how it is achieved. There is however, a requirement that the department’s agent document a failure to notify the child’s parent or guardian with an affidavit “stating what reasonable efforts were made to give actual notice to the child’s parent or guardian of the emergency shelter hearings.” ss. 39.401(1)(d) and 39.401(2)(e), F.S.

**B. Oral Rendition of Order Permitted**

This provision created as paragraph (g) of s. 39.402(2), F.S., and placed on page 11 at lines 1-16, should be moved to create paragraph (g) of s. 39.401(2), F.S., and placed on page 6 after line 10, to clearly reflect the intent that applies to the emergency order provision created by the bill for taking a child into protective custody and not the emergency shelter proceedings for determining whether the child should continue in protective custody.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.