

By the Committee on Family Law & Children and
Representatives Roberts, Brown and Effman

1 A bill to be entitled
2 An act relating to protection of dependent
3 children; amending s. 39.01, F.S.; revising
4 definitions of "authorized agent" or "designee"
5 of the department and "long-term custody";
6 defining "long-term licensed custody" and
7 "ordinary and necessary individual treatment";
8 amending s. 39.013, F.S.; providing for
9 precedence and confidentiality of orders of the
10 circuit court in dependency matters involving
11 child custody or visitation; deleting state
12 funding of court-appointed counsel for legal
13 guardians at shelter hearings; amending s.
14 39.0132, F.S., relating to oaths, records, and
15 confidential information; amending s. 39.202,
16 F.S.; revising provisions relating to access to
17 reports and records in cases of child abuse or
18 neglect; amending s. 39.402, F.S., relating to
19 placement in a shelter; amending s. 39.502,
20 F.S., relating to notice, process, and
21 services; amending s. 39.503, F.S., relating to
22 procedures when the identity or location of the
23 parent is unknown; creating a new pt. VII of
24 ch. 39, F.S., relating to disposition and
25 postdisposition change of custody; creating a
26 new pt. IX of ch. 39, F.S., relating to
27 permanency; renumbering and amending s. 39.508,
28 F.S.; revising provisions relating to
29 disposition hearings, powers of disposition,
30 and postdisposition change of custody; amending
31 s. 39.5085, F.S.; modifying intent of the

1 Relative Caregiver Program; correcting
2 references; creating s. 39.522, F.S.; providing
3 for consent for medical and dental treatment of
4 children in the custody of the department;
5 amending s. 39.601, F.S.; providing
6 requirements relating to case plans; amending
7 s. 39.603, F.S., relating to court hearings for
8 approval of case planning; authorizing, rather
9 than requiring, court appointment of a guardian
10 ad litem under certain circumstances; creating
11 s. 39.621, F.S.; providing for permanency
12 determinations by the court; providing certain
13 parental rights with respect to the child;
14 creating s. 39.622, F.S.; providing conditions
15 and requirements for court placement of a child
16 in long-term custody; creating s. 39.623, F.S.;
17 providing conditions and requirements for court
18 approval of placement in long-term licensed
19 custody; creating s. 39.624, F.S.; providing
20 conditions and requirements for court approval
21 of placement in independent living; amending s.
22 39.701, F.S.; revising provisions relating to
23 judicial review hearings; amending s. 39.803,
24 F.S.; revising procedure relating to diligent
25 search, after filing of a termination of
26 parental rights petition, for a parent whose
27 identity or location is unknown; amending s.
28 39.804, F.S.; providing a penalty for false
29 statements concerning paternity, by certain
30 persons; amending s. 39.806, F.S.; providing
31 abandonment as a ground for termination of

1 parental rights; amending s. 39.807, F.S.;
2 providing responsibilities of the guardian ad
3 litem; amending s. 39.811, F.S.; providing for
4 court-ordered disposition of the child in
5 long-term custody, following termination of
6 parental rights; amending s. 435.045, F.S.;
7 authorizing placement in a foster home pending
8 federal criminal records check results;
9 requiring certain disclosure by prospective and
10 approved foster parents; amending ss. 39.0015,
11 39.302, and 409.2554, F.S.; correcting cross
12 references; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsections (9) and (42) of section 39.01,
17 Florida Statutes, are amended, subsections (43) through (47)
18 and (48) through (72) are renumbered as subsections (44)
19 through (48) and (50) through (74), respectively, and new
20 subsections (43) and (49) are added to said section, to read:

21 39.01 Definitions.--When used in this chapter, unless
22 the context otherwise requires:

23 (9) "Authorized agent" or "designee" of the department
24 means an employee, volunteer, or other person or agency
25 determined by the state to be eligible for state-funded risk
26 management coverage, that is assigned or designated by the
27 department to perform duties or exercise powers pursuant to
28 this chapter. Foster parents are authorized agents of the
29 department when they are acting to perform duties or exercise
30 powers assigned or designated by the department pursuant to
31 this chapter, specifically including, but not limited to,

1 authorizing ordinary and necessary medical care for children
2 placed in their custody by the department pursuant to s.
3 39.522(2).

4 (42) "Long-term custody" or "long-term custodial
5 relationship" means the relationship that a juvenile court
6 order creates between a child and an adult relative of the
7 child or other legal custodian approved by the court when the
8 child cannot be placed in the custody of a parent and adoption
9 ~~termination of parental rights~~ is not deemed to be in the best
10 interest of the child. Long-term custody confers upon the
11 relative or other legal custodian, other than the department,
12 the right to physical custody of the child, a right which will
13 not be disturbed by the court except upon request of the legal
14 custodian or upon a showing that the best interest of the
15 child necessitates a change of custody for the child. A
16 relative or other legal custodian who has been designated as a
17 long-term custodian shall have all of the rights and duties of
18 a parent, including, but not limited to, the right and duty to
19 protect, train, and discipline the child and to provide the
20 child with food, shelter, and education, and ordinary medical,
21 dental, psychiatric, and psychological care, unless these
22 rights and duties are otherwise enlarged or limited by the
23 court order establishing the long-term custodial relationship.

24 (43) "Long-term licensed custody" means the
25 relationship that a juvenile court order creates between a
26 child and a placement licensed by the state to provide
27 residential care for dependent children, if the licensed
28 placement is willing and able to continue to care for the
29 child until the child reaches the age of majority.

30 (49) "Ordinary and necessary medical treatment" means
31 routine medical and dental examination and treatment,

1 including, but not limited to, routine blood testing,
2 preventive care including ordinary immunizations, tuberculin
3 testing, well-child care, and the diagnosis and treatment of
4 common illnesses of childhood and minor injuries, but does not
5 include surgery, general anesthesia, provision of psychotropic
6 medications, testing for human immunodeficiency virus, or
7 other extraordinary procedures for which a separate court
8 order or informed consent as provided by law is required.

9 Section 2. Present subsection (10) of section 39.013,
10 Florida Statutes, is amended, present subsections (4) through
11 (10) are renumbered as subsections (5) through (11),
12 respectively, and a new subsection (4) is added to said
13 section, to read:

14 39.013 Procedures and jurisdiction; right to
15 counsel.--

16 (4) The order of the circuit court hearing dependency
17 matters shall be filed by the clerk of the court in any
18 dissolution or other proceeding involving custody or
19 visitation with the child and shall take precedence over other
20 custody and visitation orders entered in those actions. The
21 confidentiality of the dependency orders addressing custody or
22 visitation issues must be maintained pursuant to s. 39.0132(3)
23 by sealing the orders in the file.

24 ~~(11)(10)~~ Court-appointed counsel representing indigent
25 parents ~~or legal guardians~~ at shelter hearings shall be paid
26 from state funds appropriated by general law.

27 Section 3. Subsections (2) and (3), paragraph (a) of
28 subsection (4), and paragraphs (b) and (d) of subsection (6)
29 of section 39.0132, Florida Statutes, are amended to read:

30 39.0132 Oaths, records, and confidential
31 information.--

1 (2) The court shall make and keep records of all cases
2 brought before it pursuant to this chapter and shall preserve
3 the records pertaining to a dependent child until 7 years
4 after the last entry was made, or until the child is 18 years
5 of age, whichever date is first reached, and may then destroy
6 them, except that records of cases where orders were entered
7 permanently depriving a parent of the custody of a juvenile
8 shall be preserved permanently. The court shall make official
9 records, consisting of all petitions and orders filed in a
10 case arising pursuant to this chapter part and any other
11 pleadings, certificates, proofs of publication, summonses,
12 warrants, and other writs which may be filed therein.

13 (3) The clerk shall keep all court records required by
14 this chapter part separate from other records of the circuit
15 court. All court records required by this chapter part shall
16 not be open to inspection by the public. All records shall be
17 inspected only upon order of the court by persons deemed by
18 the court to have a proper interest therein, except that,
19 subject to the provisions of s. 63.162, a child and the
20 parents of the child and their attorneys, guardian ad litem,
21 law enforcement agencies, and the department and its designees
22 shall always have the right to inspect and copy any official
23 record pertaining to the child. The court may permit
24 authorized representatives of recognized organizations
25 compiling statistics for proper purposes to inspect and make
26 abstracts from official records, under whatever conditions
27 upon their use and disposition the court may deem proper, and
28 may punish by contempt proceedings any violation of those
29 conditions.

30 (4)(a) All information obtained pursuant to this
31 chapter part in the discharge of official duty by any judge,

1 employee of the court, authorized agent of the department,
2 correctional probation officer, or law enforcement agent is
3 confidential and exempt from s. 119.07(1) and may not be
4 disclosed to anyone other than the authorized personnel of the
5 court, the department and its designees, correctional
6 probation officers, law enforcement agents, guardian ad litem,
7 and others entitled under this chapter to receive that
8 information, except upon order of the court.

9 (6) No court record of proceedings under this chapter
10 shall be admissible in evidence in any other civil or criminal
11 proceeding, except that:

12 (b) Records of proceedings under this chapter ~~part~~
13 forming a part of the record on appeal shall be used in the
14 appellate court in the manner hereinafter provided.

15 (d) Records of proceedings under this chapter ~~part~~ may
16 be used to prove disqualification pursuant to s. 435.06 and
17 for proof regarding such disqualification in a chapter 120
18 proceeding.

19 Section 4. Paragraph (e) of subsection (2) of section
20 39.202, Florida Statutes, is amended to read:

21 39.202 Confidentiality of reports and records in cases
22 of child abuse or neglect.--

23 (2) Access to such records, excluding the name of the
24 reporter which shall be released only as provided in
25 subsection (4), shall be granted only to the following
26 persons, officials, and agencies:

27 (e) Any person alleged in the report as having caused
28 the abuse, abandonment, or neglect of a child. This access
29 shall be made available no later than 30 days after the
30 department receives the initial report of abuse, abandonment,
31 or neglect and, when the alleged perpetrator is not a parent,

1 shall be limited to information involving the protective
2 investigation only and shall not include any information
3 relating to subsequent dependency proceedings. However, any
4 information otherwise made confidential or exempt by law shall
5 not be released pursuant to this paragraph.

6 Section 5. Paragraph (c) of subsection (8) of section
7 39.402, Florida Statutes, is amended to read:

8 39.402 Placement in a shelter.--

9 (8)

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

11 1. Appoint a guardian ad litem to represent the best
12 interest of the child, unless the court finds that such
13 representation is unnecessary;

14 2. Inform the parents or legal custodians of their
15 right to counsel to represent them at the shelter hearing and
16 at each subsequent hearing or proceeding, and the right of the
17 parents to appointed counsel, pursuant to the procedures set
18 forth in s. 39.013; and

19 3. Give the parents or legal custodians an opportunity
20 to be heard and to present evidence.

21 Section 6. Subsection (18) of section 39.502, Florida
22 Statutes, is amended to read:

23 39.502 Notice, process, and service.--

24 (18) In all proceedings under this part ~~chapter~~, the
25 court shall provide to the parent or legal custodian of the
26 child, at the conclusion of any hearing, a written notice
27 containing the date of the next scheduled hearing. The court
28 shall also include the date of the next hearing in any order
29 issued by the court.

30 Section 7. Subsection (5) of section 39.503, Florida
31 Statutes, is amended to read:

1 39.503 Identity or location of parent unknown; special
2 procedures.--

3 (5) If the inquiry under subsection (1) identifies a
4 parent or prospective parent, and that person's location is
5 unknown, the court shall direct the petitioner ~~department~~ to
6 conduct a diligent search for that person before scheduling a
7 disposition hearing regarding the dependency of the child
8 unless the court finds that the best interest of the child
9 requires proceeding without notice to the person whose
10 location is unknown.

11 Section 8. (1) Present part VII of chapter 39,
12 Florida Statutes, is redesignated as part VIII, and a new part
13 VII, is created, consisting of sections 39.521, 39.5215, and
14 39.522, Florida Statutes, entitled "Disposition;
15 Postdisposition Change of Custody."

16 (2) Present parts VIII through XI of chapter 39,
17 Florida Statutes, are redesignated as parts X through XIII,
18 respectively, and a new part IX is created, consisting of
19 sections 39.621, 39.622, 39.623, and 39.624, Florida Statutes,
20 entitled "Permanency."

21 Section 9. Section 39.508, Florida Statutes, is
22 renumbered as sections 39.521 and 39.5215, Florida Statutes,
23 and amended to read:

24 39.521 ~~39.508~~ Disposition hearings; powers of
25 disposition.--

26 (1) A ~~At the~~ disposition hearing shall be conducted by
27 the court, if the court finds that the facts alleged in the
28 petition for dependency were proven in the adjudicatory
29 hearing, or if the parents or legal custodians have consented
30 to the finding of dependency or admitted the allegations in
31 the petition, have failed to appear for the arraignment

1 hearing after proper notice, or have not been located despite
2 a diligent search having been conducted.

3 ~~(a) A written, the court shall receive and consider a~~
4 ~~case plan and a predisposition study prepared, which must be~~
5 ~~in writing and presented by an authorized agent of the~~
6 ~~department must be filed with the court and served upon the~~
7 ~~parents of the child, provided to the representative of the~~
8 ~~guardian ad litem program, if the program has been appointed,~~
9 ~~and provided to all other parties, not less than 72 hours~~
10 ~~before the disposition hearing. All such case plans must be~~
11 ~~approved by the court. If the court does not approve the case~~
12 ~~plan at the disposition hearing, the court must set a hearing~~
13 ~~within 30 days after the disposition hearing to review and~~
14 ~~approve the case plan.~~

15 (b) When any child is adjudicated by a court to be
16 dependent, the court, at the disposition hearing, shall by
17 order:

18 1. Require the parent and, when appropriate, the legal
19 custodian and the child, to participate in treatment and
20 services identified as necessary.

21 2. Require, if the court deems necessary, the parties
22 to participate in dependency mediation.

23 3. Require placement of the child either under the
24 protective supervision of an authorized agent of the
25 department in the home of one or both of the child's parents
26 or in the home of a relative of the child or another adult
27 approved by the court, or in the custody of the department.
28 Protective supervision continues until the court terminates it
29 or until the child reaches the age of 18, whichever date is
30 first. Protective supervision shall be terminated by the court
31 whenever the court determines that permanency has been

1 achieved for the child, whether with a parent, another
2 relative, or a legal custodian, and that protective
3 supervision is no longer needed. The termination of
4 supervision may be with or without retaining jurisdiction, at
5 the court's discretion, and shall in either case be considered
6 a permanency option for the child. The order terminating
7 supervision by the department shall set forth the powers of
8 the custodian of the child and shall include the powers
9 ordinarily granted to a guardian of the person of a minor
10 unless otherwise specified. Upon the court's termination of
11 supervision by the department, no further judicial reviews are
12 required, so long as permanency has been established for the
13 child.

14 (c) At the conclusion of the disposition hearing, the
15 court shall schedule the initial judicial review hearing which
16 must be held no later than 90 days after the date of the
17 disposition hearing or after the date of the hearing at which
18 the court approves the case plan, whichever occurs earlier,
19 but in no event shall the review hearing be held later than 6
20 months after the date of the child's removal from the home.

21 (d) The court shall, in its written order of
22 disposition, include all of the following:

- 23 1. The placement or custody of the child.
- 24 2. Special conditions of placement and visitation.
- 25 3. Evaluation, counseling, treatment activities, and
26 other actions to be taken by the parties, if ordered.
- 27 4. The persons or entities responsible for supervising
28 or monitoring services to the child and parent.
- 29 5. Continuation or discharge of the guardian ad litem,
30 as appropriate.

31

1 6. The date, time, and location of the next scheduled
2 review hearing, which must occur within the earlier of:
3 a. Ninety days after the disposition hearing;
4 b. Ninety days after the court accepts the case plan;
5 c. Six months after the date of the last review
6 hearing; or
7 d. Six months after the date of the child's removal
8 from his or her home, if no review hearing has been held since
9 the child's removal from the home.

10 7. If the child is in an out-of-home placement, the
11 amount of child support to be paid by the parents, or the
12 guardian of the child's estate if possessed of assets which
13 under law may be disbursed for the care, support, and
14 maintenance of the child. The court may exercise jurisdiction
15 over all child support matters, shall adjudicate the financial
16 obligation, including health insurance, of the child's parents
17 or guardian, and shall enforce the financial obligation as
18 provided in chapter 61. The state's child support enforcement
19 agency shall enforce child support orders under this section
20 in the same manner as child support orders under chapter 61.
21 Placement of the child shall not be contingent upon issuance
22 of a support order.

23 8.a. If the court does not commit the child to the
24 temporary legal custody of an adult relative, legal custodian,
25 or other adult approved by the court, the disposition order
26 shall include the reasons for such a decision and shall
27 include a determination as to whether diligent efforts were
28 made by the department to locate an adult relative, legal
29 custodian, or other adult willing to care for the child in
30 order to present that placement option to the court instead of
31 placement with the department.

1 b. If diligent efforts are made to locate an adult
2 relative willing and able to care for the child but, because
3 no suitable relative is found, the child is placed with the
4 department or a legal custodian or other adult approved by the
5 court, both the department and the court shall consider
6 transferring temporary legal custody to an adult relative
7 approved by the court at a later date, but neither the
8 department nor the court is obligated to so place the child if
9 it is in the child's best interest to remain in the current
10 placement.

11
12 For the purposes of this subparagraph, "diligent efforts to
13 locate an adult relative" means a search similar to the
14 diligent search for a parent, but without the continuing
15 obligation to search after an initial adequate search is
16 completed.

17 9. Other requirements necessary to protect the health,
18 safety, and well-being of the child, to preserve the stability
19 of the child's educational placement, and to promote family
20 preservation or reunification whenever possible.

21 (e) If the court finds that the prevention or
22 reunification efforts of the department will allow the child
23 to remain safely at home or be safely returned to the home,
24 the court shall allow the child to remain in or return to the
25 home after making a specific finding of fact that the reasons
26 for removal have been remedied to the extent that the child's
27 safety, well-being, and physical, mental, and emotional health
28 will not be endangered.

29 (f) If the court places the child in an out-of-home
30 placement, the disposition order must include a written
31 determination that the child cannot safely remain at home with

1 reunification or family preservation services and that removal
2 of the child is necessary to protect the child. If the child
3 has been removed before the disposition hearing, the order
4 must also include a written determination as to whether, after
5 removal, the department has made a reasonable effort to
6 reunify the parent and child, if reasonable efforts are
7 required. Reasonable efforts to reunify are not required if
8 the court has found that any of the acts listed in s.
9 39.806(1)(f)-(i) have occurred. The department has the burden
10 of demonstrating that it has made reasonable efforts under
11 this paragraph.

12 1. For the purposes of this paragraph, the term
13 "reasonable effort" means the exercise of reasonable diligence
14 and care by the department to provide the services ordered by
15 the court or delineated in the case plan.

16 2. In support of its determination as to whether
17 reasonable efforts have been made, the court shall:

18 a. Enter written findings as to whether or not
19 prevention or reunification efforts were indicated.

20 b. If prevention or reunification efforts were
21 indicated, include a brief written description of what
22 appropriate and available prevention and reunification efforts
23 were made.

24 c. Indicate in writing why further efforts could or
25 could not have prevented or shortened the separation of the
26 parent and child.

27 3. A court may find that the department has made a
28 reasonable effort to prevent or eliminate the need for removal
29 if:

30 a. The first contact of the department with the family
31 occurs during an emergency;

1 b. The appraisal by the department of the home
2 situation indicates that it presents a substantial and
3 immediate danger to the child's safety or physical, mental, or
4 emotional health which cannot be mitigated by the provision of
5 preventive services;

6 c. The child cannot safely remain at home, either
7 because there are no preventive services that can ensure the
8 health and safety of the child or, even with appropriate and
9 available services being provided, the health and safety of
10 the child cannot be ensured; or

11 d. The parent is alleged to have committed any of the
12 acts listed as grounds for expedited termination of parental
13 rights in s. 39.806(1)(f)-(i).

14 4. A reasonable effort by the department for
15 reunification of the parent and child has been made if the
16 appraisal of the home situation by the department indicates
17 that the severity of the conditions of dependency is such that
18 reunification efforts are inappropriate. The department has
19 the burden of demonstrating to the court that reunification
20 efforts were inappropriate.

21 5. If the court finds that the prevention or
22 reunification effort of the department would not have
23 permitted the child to remain safely at home, the court may
24 commit the child to the temporary legal custody of the
25 department or take any other action authorized by this
26 chapter.

27 (2) The predisposition study ~~shall cover for any~~
28 ~~dependent child all factors specified in s. 61.13(3), and~~ must
29 ~~also~~ provide the court with the following documented
30 information:
31

- 1 (a) The capacity and disposition of the parents to
2 provide the child with food, clothing, medical care, or other
3 remedial care recognized and permitted under the laws of this
4 state in lieu of medical care, and other material needs.
- 5 (b) The length of time the child has lived in a
6 stable, satisfactory environment and the desirability of
7 maintaining continuity.
- 8 (c) The mental and physical health of the parents.
- 9 (d) The home, school, and community record of the
10 child.
- 11 (e) The reasonable preference of the child, if the
12 court deems the child to be of sufficient intelligence,
13 understanding, and experience to express a preference.
- 14 (f) Evidence of domestic violence or child abuse.
- 15 (g)~~(a)~~ An assessment defining the dangers and risks of
16 returning the child home, including a description of the
17 changes in and resolutions to the initial risks.
- 18 (h)~~(b)~~ A description of what risks are still present
19 and what resources are available and will be provided for the
20 protection and safety of the child.
- 21 (i)~~(c)~~ A description of the benefits of returning the
22 child home.
- 23 (j)~~(d)~~ A description of all unresolved issues.
- 24 (k)~~(e)~~ A Florida Abuse Hotline Information System
25 (FAHIS)An abuse registry history and criminal records check
26 for all caregivers, family members, and individuals residing
27 within the household from which the child was removed.
- 28 (l)~~(f)~~ The complete report and recommendation of the
29 child protection team of the Department of Health or, if no
30 report exists, a statement reflecting that no report has been
31 made.

- 1 ~~(m)(g)~~ All opinions or recommendations from other
2 professionals or agencies that provide evaluative, social,
3 reunification, or other services to the parent and child.
- 4 ~~(n)(h)~~ A listing ~~The availability~~ of appropriate and
5 available prevention and reunification services for the parent
6 and child to prevent the removal of the child from the home or
7 to reunify the child with the parent after removal, including
8 the availability of family preservation services and an
9 explanation of the following:
- 10 1. If the services were or were not provided.
11 2. If the services were provided, the outcome of the
12 services.
- 13 3. If the services were not provided, why they were
14 not provided.
- 15 4. If the services are currently being provided and if
16 they need to be continued ~~through the Family Builders Program,~~
17 ~~the Intensive Crisis Counseling Program, or both.~~
- 18 ~~(o)(i)~~ A listing ~~The inappropriateness~~ of other
19 prevention and reunification services that were available but
20 determined to be inappropriate and why.
- 21 ~~(j)~~ ~~The efforts by the department to prevent~~
22 ~~out-of-home placement of the child or, when applicable, to~~
23 ~~reunify the parent and child if appropriate services were~~
24 ~~available, including the application of intensive family~~
25 ~~preservation services through the Family Builders Program, the~~
26 ~~Intensive Crisis Counseling Program, or both.~~
- 27 ~~(k)~~ ~~Whether the services were provided to the parent~~
28 ~~and child.~~
- 29 ~~(l)~~ ~~If the services were provided, whether they were~~
30 ~~sufficient to meet the needs of the child and the parent and~~
31

1 ~~to enable the child to remain safely at home or to be returned~~
2 ~~home.~~

3 ~~(m) If the services were not provided, the reasons for~~
4 ~~such lack of action.~~

5 ~~(n) The need for, or appropriateness of, continuing~~
6 ~~the services if the child remains in the custody of the parent~~
7 ~~or if the child is placed outside the home.~~

8 ~~(p)(o)~~ Whether dependency mediation was provided.

9 ~~(q)(p)~~ If the child has been removed from the home and
10 there is a parent ~~or legal custodian~~ who may be considered for
11 custody pursuant to this section, a recommendation as to
12 whether placement of the child with that parent ~~or legal~~
13 ~~custodian~~ would be detrimental to the child.

14 ~~(r)(q)~~ If the child has been removed from the home and
15 will be remaining with a relative or other adult approved by
16 the court, a home study report concerning the proposed
17 placement shall be included in the predisposition report.
18 Prior to recommending to the court any out-of-home placement
19 for a child other than placement in a licensed shelter or
20 foster home, the department shall conduct a study of the home
21 of the proposed legal custodians, which must include, at a
22 minimum:

23 1. An interview with the proposed legal custodians to
24 assess their ongoing commitment and ability to care for the
25 child.

26 2. Records checks through the Florida Abuse Hotline
27 Information System (FAHIS), and local and statewide criminal
28 and juvenile records checks through the Department of Law
29 Enforcement, on all household members 12 years of age or older
30 and any other persons made known to the department who are
31 frequent visitors in the home. Out-of-state criminal records

1 checks must be initiated for any individual designated above
2 who has resided in a state other than Florida provided that
3 state's laws allow the release of these records. The
4 out-of-state criminal records must be filed with the court
5 within 5 days after receipt by the department or its agent.

6 3. An assessment of the physical environment of the
7 home.

8 4. A determination of the financial security of the
9 proposed legal custodians.

10 5. A determination of suitable child care arrangements
11 if the proposed legal custodians are employed outside of the
12 home.

13 6. Documentation of counseling and information
14 provided to the proposed legal custodians regarding the
15 dependency process and possible outcomes.

16 7. Documentation that information regarding support
17 services available in the community has been provided to the
18 proposed legal custodians.

19
20 The department shall not place the child or continue the
21 placement of the child in a home under shelter or
22 postdisposition placement if the results of the home study are
23 unfavorable, unless the court finds that this placement is in
24 the child's best interest.

25 (s)(r) If the child has been removed from the home, a
26 determination of the amount of child support each parent will
27 be required to pay pursuant to s. 61.30.

28 (t) If placement of the child with anyone other than
29 the child's parent is being considered, the predisposition
30 study shall include the designation of a specific length of
31 time as to when custody by the parent will be reconsidered.

1
2 Any other relevant and material evidence, including other
3 written or oral reports, may be received by the court in its
4 effort to determine the action to be taken with regard to the
5 child and may be relied upon to the extent of its probative
6 value, even though not competent in an adjudicatory hearing.
7 Except as otherwise specifically provided, nothing in this
8 section prohibits the publication of proceedings in a hearing.

9 ~~(3)(a)1. Notwithstanding s. 435.045(1), the department~~
10 ~~may place a child in a foster home which otherwise meets~~
11 ~~licensing requirements if state and local criminal records~~
12 ~~checks do not disqualify the applicant, and the department has~~
13 ~~submitted fingerprint information to the Florida Department of~~
14 ~~Law Enforcement for forwarding to the Federal Bureau of~~
15 ~~Investigation and is awaiting the results of the federal~~
16 ~~criminal records check.~~

17 ~~2. Prospective and approved foster parents must~~
18 ~~disclose to the department any prior or pending local, state,~~
19 ~~or federal criminal proceedings in which they are or have been~~
20 ~~involved.~~

21 ~~(b) Prior to recommending to the court any out-of-home~~
22 ~~placement for a child other than placement in a licensed~~
23 ~~shelter or foster home, the department shall conduct a study~~
24 ~~of the home of the proposed legal custodians, which must~~
25 ~~include, at a minimum:~~

26 ~~1. An interview with the proposed legal custodians to~~
27 ~~assess their ongoing commitment and ability to care for the~~
28 ~~child.~~

29 ~~2. Records checks through the department's automated~~
30 ~~abuse information system, and local and statewide criminal and~~
31 ~~juvenile records checks through the Department of Law~~

1 ~~Enforcement, on all household members 12 years of age or older~~
2 ~~and any other persons made known to the department who are~~
3 ~~frequent visitors in the home.~~

4 ~~3. An assessment of the physical environment of the~~
5 ~~home.~~

6 ~~4. A determination of the financial security of the~~
7 ~~proposed legal custodians.~~

8 ~~5. A determination of suitable child care arrangements~~
9 ~~if the proposed legal custodians are employed outside of the~~
10 ~~home.~~

11 ~~6. Documentation of counseling and information~~
12 ~~provided to the proposed legal custodians regarding the~~
13 ~~dependency process and possible outcomes.~~

14 ~~7. Documentation that information regarding support~~
15 ~~services available in the community has been provided to the~~
16 ~~proposed legal custodians.~~

17 ~~(c) The department shall not place the child or~~
18 ~~continue the placement of the child in the home of the~~
19 ~~proposed legal custodians if the results of the home study are~~
20 ~~unfavorable.~~

21 ~~(4) If placement of the child with anyone other than~~
22 ~~the child's parent is being considered, the predisposition~~
23 ~~study shall include the designation of a specific length of~~
24 ~~time as to when custody by the parent will be reconsidered.~~

25 ~~(5) The predisposition study may not be made before~~
26 ~~the adjudication of dependency unless the parents of the child~~
27 ~~consent.~~

28 ~~(6) A case plan and predisposition study must be filed~~
29 ~~with the court and served upon the parents of the child,~~
30 ~~provided to the representative of the guardian ad litem~~
31 ~~program, if the program has been appointed, and provided to~~

1 ~~all other parties not less than 72 hours before the~~
2 ~~disposition hearing. All such case plans must be approved by~~
3 ~~the court. If the court does not approve the case plan at the~~
4 ~~disposition hearing, the court must set a hearing within 30~~
5 ~~days after the disposition hearing to review and approve the~~
6 ~~case plan.~~

7 ~~(7) The initial judicial review must be held no later~~
8 ~~than 90 days after the date of the disposition hearing or~~
9 ~~after the date of the hearing at which the court approves the~~
10 ~~case plan, whichever occurs earlier, but in no event shall the~~
11 ~~review be held later than 6 months after the date of the~~
12 ~~child's removal from the home.~~

13 ~~(3)(8)~~ When any child is adjudicated by a court to be
14 dependent, and the court finds that removal of the child from
15 the custody of a parent or legal custodian is necessary, the
16 court shall determine the appropriate placement for the child
17 as follows:

18 (a) If the court determines that the child can safely
19 remain in the home with the parent with whom the child was
20 residing at the time the events or conditions arose that
21 brought the child within the jurisdiction of the court and
22 that remaining in this home is in the best interest of the
23 child, then the court shall order conditions under which the
24 child may remain or return to the home and that this placement
25 be under the protective supervision of the department for not
26 less than 6 months.

27 (b) If ~~first determine whether~~ there is a parent with
28 whom the child was not residing at the time the events or
29 conditions arose that brought the child within the
30 jurisdiction of the court who desires to assume custody of the
31 child and, ~~if such parent requests custody,~~ the court shall

1 place the child with that ~~the~~ parent upon completion of a home
2 study, unless the court ~~it~~ finds that such placement would
3 endanger the safety, well-being, or physical, mental, or
4 emotional health of the child. Any party with knowledge of the
5 facts may present to the court evidence regarding whether the
6 placement will endanger the safety, well-being, or physical,
7 mental, or emotional health of the child. If the court places
8 the child with such parent, it may do either of the following:
9 1.(a) Order that the parent assume sole custodial
10 responsibilities for the child. The court may also provide for
11 reasonable visitation by the noncustodial parent. The court
12 may then terminate its jurisdiction over the child. The
13 custody order shall continue unless modified by a subsequent
14 order of the circuit court hearing dependency matters. The
15 order of the circuit court hearing dependency matters shall be
16 filed in any dissolution or other custody action or proceeding
17 between the parents and shall take precedence over other
18 custody and visitation orders entered in those actions.
19 2.(b) Order that the parent assume custody subject to
20 the jurisdiction of the circuit court hearing dependency
21 matters. The court may order that reunification services be
22 provided to the parent from whom the child has been removed,
23 that services be provided solely to the parent who is assuming
24 physical custody in order to allow that parent to retain later
25 custody without court jurisdiction, or that services be
26 provided to both parents, in which case the court shall
27 determine at every review hearing which parent, if either,
28 shall have custody of the child. The standard for changing
29 custody of the child from one parent to another or to a
30 relative or another adult approved by the court shall be the
31 best interest of the child.

1 (c) If no fit parent is willing or available to assume
2 care and custody of the child, place
3 ~~(9)(a) When any child is adjudicated by a court to be~~
4 ~~dependent, the court having jurisdiction of the child has the~~
5 ~~power, by order, to:~~
6 1. ~~Require the parent or legal custodian, and the~~
7 ~~child when appropriate, to participate in treatment and~~
8 ~~services identified as necessary.~~
9 2. ~~Require the parent or legal custodian, and the~~
10 ~~child when appropriate, to participate in mediation if the~~
11 ~~parent or legal custodian refused to participate in mediation.~~
12 3. ~~Place the child under the protective supervision of~~
13 ~~an authorized agent of the department, either in the child's~~
14 ~~own home or, the prospective custodian being willing, in the~~
15 ~~home of a relative of the child or of another adult approved~~
16 ~~by the court, or in some other suitable place under such~~
17 ~~reasonable conditions as the court may direct. Protective~~
18 ~~supervision continues until the court terminates it or until~~
19 ~~the child reaches the age of 18, whichever date is first.~~
20 ~~Protective supervision shall be terminated by the court~~
21 ~~whenever the court determines that permanency has been~~
22 ~~achieved for the child, whether with a parent, another~~
23 ~~relative, or a legal custodian, and that protective~~
24 ~~supervision is no longer needed. The termination of~~
25 ~~supervision may be with or without retaining jurisdiction, at~~
26 ~~the court's discretion, and shall in either case be considered~~
27 ~~a permanency option for the child. The order terminating~~
28 ~~supervision by the department shall set forth the powers of~~
29 ~~the custodian of the child and shall include the powers~~
30 ~~ordinarily granted to a guardian of the person of a minor~~
31 ~~unless otherwise specified. Upon the court's termination of~~

1 ~~supervision by the department, no further judicial reviews are~~
2 ~~required, so long as permanency has been established for the~~
3 ~~child.~~

4 ~~4. Place~~ the child in the temporary legal custody of
5 an adult relative or other adult approved by the court who is
6 willing to care for the child, under the protective
7 supervision of the department. The department must supervise
8 this placement until the child reaches permanency status in
9 this home, and in no case for a period of less than 6 months.
10 Permanency in a relative placement shall be by adoption,
11 long-term custody, or guardianship.

12 (d) If the child cannot be safely placed in a
13 nonlicensed placement, the court shall commit the child to the
14 temporary legal custody of the department. Such commitment
15 invests in the department all rights and responsibilities of a
16 legal custodian. The department shall not return any child to
17 the physical care and custody of the person from whom the
18 child was removed, except for court-approved visitation
19 periods, without the approval of the court. The term of such
20 commitment continues until terminated by the court or until
21 the child reaches the age of 18. After the child is committed
22 to the temporary legal custody of the department, all further
23 proceedings under this section are governed by this chapter.

24
25 Protective supervision continues until the court terminates it
26 or until the child reaches the age of 18, whichever date is
27 first. Protective supervision shall be terminated by the court
28 whenever the court determines that permanency has been
29 achieved for the child, whether with a parent, another
30 relative, or a legal custodian, and that protective
31 supervision is no longer needed. The termination of

1 supervision may be with or without retaining jurisdiction, at
2 the court's discretion, and shall in either case be considered
3 a permanency option for the child. The order terminating
4 supervision by the department shall set forth the powers of
5 the custodian of the child and shall include the powers
6 ordinarily granted to a guardian of the person of a minor
7 unless otherwise specified. Upon the court's termination of
8 supervision by the department, no further judicial reviews are
9 required, so long as permanency has been established for the
10 child.

11 (4) An agency granted legal custody shall have the
12 right to determine where and with whom the child shall live,
13 but an individual granted legal custody shall exercise all
14 rights and duties personally unless otherwise ordered by the
15 court.

16 (5) In carrying out the provisions of this chapter,
17 the court may order the parents and legal custodians of a
18 child who is found to be dependent to participate in family
19 counseling and other professional counseling activities deemed
20 necessary for the rehabilitation of the parent or child.

21 (6) With respect to a child who is the subject in
22 proceedings under this chapter, the court may issue to the
23 department an order to show cause why it should not return the
24 child to the custody of the parents upon expiration of the
25 case plan, or sooner if the parents have substantially
26 complied with the case plan.

27 (7) The court may enter an order ending its
28 jurisdiction over a child when a child has been returned to
29 the parents, provided the court shall not terminate its
30 jurisdiction or the department's supervision over the child
31 until 6 months after the child's return. The court shall

1 determine whether its jurisdiction should be continued or
2 terminated in such a case based on a report of the department
3 or agency or the child's guardian ad litem, and any other
4 relevant factors; if its jurisdiction is to be terminated, the
5 court shall enter an order to that effect.

6 ~~5.a. When the parents have failed to comply with a~~
7 ~~case plan and the court determines at a judicial review~~
8 ~~hearing, or at an adjudication hearing held pursuant to this~~
9 ~~section, that neither reunification, termination of parental~~
10 ~~rights, nor adoption is in the best interest of the child, the~~
11 ~~court may place the child in the long-term custody of an adult~~
12 ~~relative or other adult approved by the court willing to care~~
13 ~~for the child, if all of the following conditions are met:~~

14 ~~(I) A case plan describing the responsibilities of the~~
15 ~~relative or other adult, the department, and any other party~~
16 ~~must have been submitted to the court.~~

17 ~~(II) The case plan for the child does not include~~
18 ~~reunification with the parents or adoption by the relative or~~
19 ~~other adult.~~

20 ~~(III) The child and the relative or other adult are~~
21 ~~determined not to need protective supervision or preventive~~
22 ~~services to ensure the stability of the long-term custodial~~
23 ~~relationship, or the department assures the court that~~
24 ~~protective supervision or preventive services will be provided~~
25 ~~in order to ensure the stability of the long-term custodial~~
26 ~~relationship.~~

27 ~~(IV) Each party to the proceeding agrees that a~~
28 ~~long-term custodial relationship does not preclude the~~
29 ~~possibility of the child returning to the custody of the~~
30 ~~parent at a later date, should the parent demonstrate a~~

31

1 ~~material change in circumstances and the return of the child~~
2 ~~to the parent is in the child's best interest.~~

3 ~~(V) The court has considered the reasonable preference~~
4 ~~of the child if the court has found the child to be of~~
5 ~~sufficient intelligence, understanding, and experience to~~
6 ~~express a preference.~~

7 ~~(VI) The court has considered the recommendation of~~
8 ~~the guardian ad litem if one has been appointed.~~

9 ~~(VII) The relative or other adult has made a~~
10 ~~commitment to provide for the child until the child reaches~~
11 ~~the age of majority and to prepare the child for adulthood and~~
12 ~~independence.~~

13 ~~(VIII) The relative or other adult agrees not to~~
14 ~~return the child to the physical care and custody of the~~
15 ~~person from whom the child was removed, including for short~~
16 ~~visitation periods, without the approval of the court.~~

17 ~~b. The court shall retain jurisdiction over the case,~~
18 ~~and the child shall remain in the long-term custody of the~~
19 ~~relative or other adult approved by the court until the order~~
20 ~~creating the long-term custodial relationship is modified by~~
21 ~~the court. The court shall discontinue regular judicial review~~
22 ~~hearings and may relieve the department of the responsibility~~
23 ~~for supervising the placement of the child whenever the court~~
24 ~~determines that the placement is stable and that such~~
25 ~~supervision is no longer needed. The child must be in the~~
26 ~~placement for a minimum of 6 continuous months before the~~
27 ~~court may consider termination of the department's~~
28 ~~supervision. Notwithstanding the retention of jurisdiction,~~
29 ~~the placement shall be considered a permanency option for the~~
30 ~~child when the court relieves the department of the~~
31 ~~responsibility for supervising the placement. The order~~

1 ~~terminating supervision by the department shall set forth the~~
2 ~~powers of the custodian of the child and shall include the~~
3 ~~powers ordinarily granted to a guardian of the person of a~~
4 ~~minor unless otherwise specified. The court may modify the~~
5 ~~order terminating supervision of the long-term placement if it~~
6 ~~finds that the long-term placement is no longer in the best~~
7 ~~interest of the child.~~

8 ~~6.a. Approve placement of the child in long-term~~
9 ~~out-of-home care, when the following conditions are met:~~

10 ~~(I) The foster child is 16 years of age or older,~~
11 ~~unless the court determines that the history or condition of a~~
12 ~~younger child makes long-term out-of-home care the most~~
13 ~~appropriate placement.~~

14 ~~(II) The child demonstrates no desire to be placed in~~
15 ~~an independent living arrangement pursuant to this subsection.~~

16 ~~(III) The department's social services study pursuant~~
17 ~~to part VIII recommends long-term out-of-home care.~~

18

19 ~~Long-term out-of-home care under the above conditions shall~~
20 ~~not be considered a permanency option.~~

21 ~~b. The court may approve placement of the child in~~
22 ~~long-term out-of-home care, as a permanency option, when all~~
23 ~~of the following conditions are met:~~

24 ~~(I) The child is 14 years of age or older.~~

25 ~~(II) The child is living in a licensed home and the~~
26 ~~foster parents desire to provide care for the child on a~~
27 ~~permanent basis and the foster parents and the child do not~~
28 ~~desire adoption.~~

29 ~~(III) The foster family has made a commitment to~~
30 ~~provide for the child until he or she reaches the age of~~

31

1 ~~majority and to prepare the child for adulthood and~~
2 ~~independence.~~

3 ~~(IV) The child has remained in the home for a~~
4 ~~continuous period of no less than 12 months.~~

5 ~~(V) The foster parents and the child view one another~~
6 ~~as family and consider living together as the best place for~~
7 ~~the child to be on a permanent basis.~~

8 ~~(VI) The department's social services study recommends~~
9 ~~such placement and finds the child's well-being has been~~
10 ~~promoted through living with the foster parents.~~

11
12 ~~Notwithstanding the retention of jurisdiction and supervision~~
13 ~~by the department, long-term out-of-home care placements made~~
14 ~~pursuant to this section shall be considered a permanency~~
15 ~~option for the child. For purposes of this subsection,~~
16 ~~supervision by the department shall be defined as a minimum of~~
17 ~~semiannual visits. The order placing the child in long-term~~
18 ~~out-of-home care as a permanency option shall set forth the~~
19 ~~powers of the custodian of the child and shall include the~~
20 ~~powers ordinarily granted to a guardian of the person of a~~
21 ~~minor unless otherwise specified. The court may modify the~~
22 ~~permanency option of long-term out-of-home care if it finds~~
23 ~~that the placement is no longer in the best interests of the~~
24 ~~child.~~

25 ~~c. Approve placement of the child in an independent~~
26 ~~living arrangement for any child 16 years of age or older, if~~
27 ~~it can be clearly established that this type of alternate care~~
28 ~~arrangement is the most appropriate plan and that the health,~~
29 ~~safety, and well-being of the child will not be jeopardized by~~
30 ~~such an arrangement. While in independent living situations,~~
31 ~~children whose legal custody has been awarded to the~~

1 ~~department or a licensed child caring or child placing agency,~~
2 ~~or who have been voluntarily placed with such an agency by a~~
3 ~~parent, guardian, relative, or adult approved by the court,~~
4 ~~continue to be subject to court review provisions.~~

5 ~~7. Commit the child to the temporary legal custody of~~
6 ~~the department. Such commitment invests in the department all~~
7 ~~rights and responsibilities of a legal custodian. The~~
8 ~~department shall not return any child to the physical care and~~
9 ~~custody of the person from whom the child was removed, except~~
10 ~~for court-approved visitation periods, without the approval of~~
11 ~~the court. The term of such commitment continues until~~
12 ~~terminated by the court or until the child reaches the age of~~
13 ~~18. After the child is committed to the temporary custody of~~
14 ~~the department, all further proceedings under this section are~~
15 ~~also governed by this chapter.~~

16 39.5215 Postdisposition change of custody.--

17 ~~8.a.~~ The court may change the temporary legal custody
18 or the conditions of protective supervision at a
19 postdisposition hearing, without the necessity of another
20 adjudicatory hearing.

21 (1) A child who has been placed in the child's own
22 home under the protective supervision of an authorized agent
23 of the department, in the home of a relative, in the home of a
24 legal custodian, or in some other place may be brought before
25 the court by the department or by any other interested person,
26 upon the filing of a petition alleging a need for a change in
27 the conditions of protective supervision or the placement. If
28 the parents or other legal custodians deny the need for a
29 change, the court shall hear all parties in person or by
30 counsel, or both. Upon the admission of a need for a change or
31 after such hearing, the court shall enter an order changing

1 the placement, modifying the conditions of protective
2 supervision, or continuing the conditions of protective
3 supervision as ordered. The standard for changing custody of
4 the child shall be the best interest of the child. If the
5 child is not placed in foster care, then the new placement for
6 the child must meet the home study criteria and court approval
7 pursuant to this chapter.

8 (2)b. In cases where the issue before the court is
9 whether a child should be reunited with a parent, the court
10 shall determine whether the parent has substantially complied
11 with the terms of the case plan to the extent that the safety,
12 well-being, and physical, mental, and emotional health of the
13 child is not endangered by the return of the child to the
14 home.

15 ~~(b) The court shall, in its written order of~~
16 ~~disposition, include all of the following:~~

17 ~~1. The placement or custody of the child as provided~~
18 ~~in paragraph (a).~~

19 ~~2. Special conditions of placement and visitation.~~

20 ~~3. Evaluation, counseling, treatment activities, and~~
21 ~~other actions to be taken by the parties, if ordered.~~

22 ~~4. The persons or entities responsible for supervising~~
23 ~~or monitoring services to the child and parent.~~

24 ~~5. Continuation or discharge of the guardian ad litem,~~
25 ~~as appropriate.~~

26 ~~6. The date, time, and location of the next scheduled~~
27 ~~review hearing, which must occur within the earlier of:~~

28 ~~a. Ninety days after the disposition hearing;~~

29 ~~b. Ninety days after the court accepts the case plan;~~

30 ~~c. Six months after the date of the last review~~

31 ~~hearing; or~~

1 ~~d. Six months after the date of the child's removal~~
2 ~~from his or her home, if no review hearing has been held since~~
3 ~~the child's removal from the home.~~

4 ~~7. Other requirements necessary to protect the health,~~
5 ~~safety, and well-being of the child, to preserve the stability~~
6 ~~of the child's educational placement, and to promote family~~
7 ~~preservation or reunification whenever possible.~~

8 ~~(c) If the court finds that the prevention or~~
9 ~~reunification efforts of the department will allow the child~~
10 ~~to remain safely at home or be safely returned to the home,~~
11 ~~the court shall allow the child to remain in or return to the~~
12 ~~home after making a specific finding of fact that the reasons~~
13 ~~for removal have been remedied to the extent that the child's~~
14 ~~safety, well-being, and physical, mental, and emotional health~~
15 ~~will not be endangered.~~

16 ~~(d) If the court places the child in an out-of-home~~
17 ~~placement, the disposition order must include a written~~
18 ~~determination that the child cannot safely remain at home with~~
19 ~~reunification or family preservation services and that removal~~
20 ~~of the child is necessary to protect the child. If the child~~
21 ~~has been removed before the disposition hearing, the order~~
22 ~~must also include a written determination as to whether, after~~
23 ~~removal, the department has made a reasonable effort to~~
24 ~~reunify the parent and child, if reasonable efforts are~~
25 ~~required. Reasonable efforts to reunify are not required if~~
26 ~~the court has found that any of the acts listed in s.~~
27 ~~39.806(1)(f)-(i) have occurred. The department has the burden~~
28 ~~of demonstrating that it has made reasonable efforts under~~
29 ~~this paragraph.~~

30 ~~1. For the purposes of this paragraph, the term~~
31 ~~"reasonable effort" means the exercise of reasonable diligence~~

1 ~~and care by the department to provide the services delineated~~
2 ~~in the case plan.~~

3 ~~2. In support of its determination as to whether~~
4 ~~reasonable efforts have been made, the court shall:~~

5 ~~a. Enter written findings as to whether or not~~
6 ~~prevention or reunification efforts were indicated.~~

7 ~~b. If prevention or reunification efforts were~~
8 ~~indicated, include a brief written description of what~~
9 ~~appropriate and available prevention and reunification efforts~~
10 ~~were made.~~

11 ~~c. Indicate in writing why further efforts could or~~
12 ~~could not have prevented or shortened the separation of the~~
13 ~~parent and child.~~

14 ~~3. A court may find that the department has made a~~
15 ~~reasonable effort to prevent or eliminate the need for removal~~
16 ~~if:~~

17 ~~a. The first contact of the department with the family~~
18 ~~occurs during an emergency;~~

19 ~~b. The appraisal by the department of the home~~
20 ~~situation indicates that it presents a substantial and~~
21 ~~immediate danger to the child's safety or physical, mental, or~~
22 ~~emotional health which cannot be mitigated by the provision of~~
23 ~~preventive services;~~

24 ~~c. The child cannot safely remain at home, either~~
25 ~~because there are no preventive services that can ensure the~~
26 ~~health and safety of the child or, even with appropriate and~~
27 ~~available services being provided, the health and safety of~~
28 ~~the child cannot be ensured; or~~

29 ~~d. The parent or legal custodian is alleged to have~~
30 ~~committed any of the acts listed as grounds for expedited~~
31 ~~termination of parental rights in s. 39.806(1)(f)-(i).~~

1 ~~4. A reasonable effort by the department for~~
2 ~~reunification of the parent and child has been made if the~~
3 ~~appraisal of the home situation by the department indicates~~
4 ~~that the severity of the conditions of dependency is such that~~
5 ~~reunification efforts are inappropriate. The department has~~
6 ~~the burden of demonstrating to the court that reunification~~
7 ~~efforts were inappropriate.~~

8 ~~5. If the court finds that the prevention or~~
9 ~~reunification effort of the department would not have~~
10 ~~permitted the child to remain safely at home, the court may~~
11 ~~commit the child to the temporary legal custody of the~~
12 ~~department or take any other action authorized by this~~
13 ~~chapter.~~

14 ~~(10)(a) When any child is adjudicated by the court to~~
15 ~~be dependent and temporary legal custody of the child has been~~
16 ~~placed with an adult relative, legal custodian, or other adult~~
17 ~~approved by the court, a licensed child-caring agency, or the~~
18 ~~department, the court shall, unless a parent has voluntarily~~
19 ~~executed a written surrender for purposes of adoption, order~~
20 ~~the parents, or the guardian of the child's estate if~~
21 ~~possessed of assets which under law may be disbursed for the~~
22 ~~care, support, and maintenance of the child, to pay child~~
23 ~~support to the legal custodian caring for the child, the~~
24 ~~licensed child-caring agency, or the department. The court may~~
25 ~~exercise jurisdiction over all child support matters, shall~~
26 ~~adjudicate the financial obligation, including health~~
27 ~~insurance, of the child's parents or guardian, and shall~~
28 ~~enforce the financial obligation as provided in chapter 61.~~
29 ~~The state's child support enforcement agency shall enforce~~
30 ~~child support orders under this section in the same manner as~~
31 ~~child support orders under chapter 61.~~

1 ~~(b) Placement of the child pursuant to subsection (8)~~
2 ~~shall not be contingent upon issuance of a support order.~~
3 ~~(11)(a) If the court does not commit the child to the~~
4 ~~temporary legal custody of an adult relative, legal custodian,~~
5 ~~or other adult approved by the court, the disposition order~~
6 ~~shall include the reasons for such a decision and shall~~
7 ~~include a determination as to whether diligent efforts were~~
8 ~~made by the department to locate an adult relative, legal~~
9 ~~custodian, or other adult willing to care for the child in~~
10 ~~order to present that placement option to the court instead of~~
11 ~~placement with the department.~~
12 ~~(b) If diligent efforts are made to locate an adult~~
13 ~~relative willing and able to care for the child but, because~~
14 ~~no suitable relative is found, the child is placed with the~~
15 ~~department or a legal custodian or other adult approved by the~~
16 ~~court, both the department and the court shall consider~~
17 ~~transferring temporary legal custody to an adult relative~~
18 ~~approved by the court at a later date, but neither the~~
19 ~~department nor the court is obligated to so place the child if~~
20 ~~it is in the child's best interest to remain in the current~~
21 ~~placement. For the purposes of this paragraph, "diligent~~
22 ~~efforts to locate an adult relative" means a search similar to~~
23 ~~the diligent search for a parent, but without the continuing~~
24 ~~obligation to search after an initial adequate search is~~
25 ~~completed.~~
26 ~~(12) An agency granted legal custody shall have the~~
27 ~~right to determine where and with whom the child shall live,~~
28 ~~but an individual granted legal custody shall exercise all~~
29 ~~rights and duties personally unless otherwise ordered by the~~
30 ~~court.~~
31

1 ~~(13) In carrying out the provisions of this chapter,~~
2 ~~the court may order the parents or legal custodians of a child~~
3 ~~who is found to be dependent to participate in family~~
4 ~~counseling and other professional counseling activities deemed~~
5 ~~necessary for the rehabilitation of the child.~~

6 ~~(14) With respect to a child who is the subject in~~
7 ~~proceedings under this chapter, the court shall issue to the~~
8 ~~department an order to show cause why it should not return the~~
9 ~~child to the custody of the parents upon expiration of the~~
10 ~~case plan, or sooner if the parents have substantially~~
11 ~~complied with the case plan.~~

12 ~~(15) The court may enter an order ending its~~
13 ~~jurisdiction over a child when a child has been returned to~~
14 ~~the parents, provided the court shall not terminate its~~
15 ~~jurisdiction or the department's supervision over the child~~
16 ~~until 6 months after the child's return. The court shall~~
17 ~~determine whether its jurisdiction should be continued or~~
18 ~~terminated in such a case based on a report of the department~~
19 ~~or agency or the child's guardian ad litem, and any other~~
20 ~~relevant factors; if its jurisdiction is to be terminated, the~~
21 ~~court shall enter an order to that effect.~~

22 Section 10. Paragraph (c) of subsection (1) and
23 paragraph (a) of subsection (2) of section 39.5085, Florida
24 Statutes, are amended to read:

25 39.5085 Relative Caregiver Program.--

26 (1) It is the intent of the Legislature in enacting
27 this section to:

28 (c) Recognize that permanency in the best interests of
29 the child can be achieved through a variety of permanency
30 options, including long-term relative custody, guardianship,
31 or adoption, by providing ~~Provide~~ additional placement options

1 and incentives that will achieve permanency and stability for
2 many children who are otherwise at risk of foster care
3 placement because of abuse, abandonment, or neglect, but who
4 may successfully be able to be placed by the dependency court
5 in the care of such relatives.

6 (2)(a) The Department of Children and Family Services
7 shall establish and operate the Relative Caregiver Program
8 pursuant to eligibility guidelines established in this section
9 as further implemented by rule of the department. The Relative
10 Caregiver Program shall, within the limits of available
11 funding, provide financial assistance to relatives who are
12 within the fifth degree by blood or marriage to the parent or
13 stepparent of a child and who are caring full-time for that
14 child in the role of substitute parent as a result of a
15 court's determination of child abuse, neglect, or abandonment
16 and subsequent placement with the relative pursuant to this
17 chapter. Such placement may be either court-ordered temporary
18 legal custody to the relative under protective supervision of
19 the department pursuant to s. 39.521(1)(b)3 ~~39.508(9)(a)4.~~,
20 or court-ordered placement in the home of a relative as a
21 permanency option ~~under protective supervision of the~~
22 ~~department~~ pursuant to s. 39.622 ~~39.508(9)(a)3~~. The Relative
23 Caregiver Program shall offer financial assistance to
24 caregivers who are relatives and who would be unable to serve
25 in that capacity without the relative caregiver payment
26 because of financial burden, thus exposing the child to the
27 trauma of placement in a shelter or in foster care.

28 Section 11. Section 39.522, Florida Statutes, is
29 created to read:

30 39.522 Consent for medical and dental
31 treatment.--Whenever a child has been adjudicated dependent

1 and placed in the custody of the department, consent for
2 medical and dental treatment shall be obtained as follows:
3 (1) The department is authorized to have a medical
4 screening performed on the child without authorization from
5 the court and without consent from a parent or legal guardian.
6 Such medical screening shall be performed by a licensed health
7 care professional and shall be for the purpose of examining
8 the child for injury, illness, and communicable diseases and
9 determining the need for immunization. The department shall
10 by rule establish the invasiveness of the medical procedures
11 authorized to be performed under this subsection.
12 (2) Consent for medical or dental treatment shall be
13 obtained from a parent of a child whenever such consent can
14 reasonably be obtained without detriment to the child's
15 well-being.
16 (3) When a parent is unavailable to provide consent,
17 the department or its authorized agent, including foster
18 parents, may consent to ordinary and necessary medical or
19 dental treatment, as defined in s. 39.01(49).
20 (4) When a parent is available but refuses to provide
21 consent to ordinary and necessary medical or dental treatment,
22 as defined in s. 39.01(49), the department or its authorized
23 agent shall seek court approval of the contested treatment
24 prior to its administration, unless the treatment is needed as
25 the result of an emergency as defined in s. 743.064 or is
26 related to suspected abuse, abandonment, or neglect of the
27 child by a parent or legal custodian.
28 (5) When a parent is available but refuses to provide
29 consent to ordinary and necessary medical or dental treatment,
30 as defined in s. 39.01(49), and the treatment is needed as the
31 result of an emergency as defined in s. 743.064 or is related

1 to suspected abuse, abandonment, or neglect of the child by
2 the parent or legal custodian, the department or its
3 authorized agent may provide consent for the treatment, but
4 shall immediately petition the court for authorization to
5 continue the treatment.

6 (6) The parents of the child shall be informed of any
7 medical or dental treatment authorized in this section within
8 24 hours after the treatment is provided.

9 (7) In no case shall the department or its authorized
10 agent consent to sterilization, abortion, or termination of
11 life support for any child.

12 (8) The provisions of this section shall not apply to
13 any parent whose parental rights have been terminated.

14 Section 12. Subsection (2) and paragraph (a) of
15 subsection (3) of section 39.601, Florida Statutes, are
16 amended to read:

17 39.601 Case plan requirements.--

18 (2) When the child or parent is receiving services,
19 the case plan shall be filed with the court, for approval by
20 the court, at least 72 hours prior to the disposition hearing.
21 The case plan must be served on all parties whose whereabouts
22 are known at least 72 hours prior to the disposition hearing
23 and must include, in addition to the requirements in
24 subsection (1), at a minimum:

25 (a) A description of the problem being addressed that
26 includes the behavior or act of a parent resulting in risk to
27 the child and the reason for the department's intervention.

28 (b) A description of the tasks with which the parent
29 must comply and the services to be provided to the parent and
30 child specifically addressing the identified problem,
31 including:

- 1 1. Type of services or treatment.
- 2 2. Frequency of services or treatment.
- 3 3. Location of the delivery of the services.
- 4 4. The accountable department staff or service
- 5 provider.

6 (c) A description of the measurable objectives,
7 including timeframes for achieving objectives, addressing the
8 identified problem.

9 (3) When the child is receiving services in an
10 out-of-home placement, the case plan must be filed with the
11 court, for approval by the court, at least 72 hours prior to
12 the disposition hearing. The case plan must be served on all
13 parties whose whereabouts are known at least 72 hours prior to
14 the disposition hearing and must include, in addition to the
15 requirements in subsections (1) and (2), at a minimum:

16 (a) A description of the permanency goal for the
17 child, including the type of placement. Alternative permanency
18 goals, when appropriate, shall be identified and pursued
19 ~~Reasonable efforts to place a child in a home that will serve~~
20 ~~as an adoptive placement if reunification is not successful,~~
21 ~~or with a legal custodian, may be made concurrently with~~
22 ~~reasonable efforts to reunify the child with a parent prevent~~
23 ~~removal of the child from the home or make it possible for the~~
24 ~~child to return safely home.~~

25 Section 13. Paragraph (a) of subsection (1) of section
26 39.603, Florida Statutes, is amended to read:

27 39.603 Court approvals of case planning.--

28 (1) At the hearing on the plan, which shall occur in
29 conjunction with the disposition hearing unless otherwise
30 directed by the court, the court shall determine:

31

1 (a) All parties who were notified and are in
2 attendance at the hearing, either in person or through a legal
3 representative. The court may ~~shall~~ appoint a guardian ad
4 litem under Rule 1.210, Florida Rules of Civil Procedure, to
5 represent the interests of any parent, if the location of the
6 parent is known but the parent is not present at the hearing
7 and the development of the plan is based upon the physical,
8 emotional, or mental condition or physical location of the
9 parent.

10 Section 14. Section 39.621, Florida Statutes, is
11 created to read:

12 39.621 Permanency determination by the court.--

13 (1) When the court has determined that reunification
14 with either parent is not appropriate, then the court must
15 make a permanency determination for the child.

16 (2) Adoption, pursuant to chapter 63, is the primary
17 permanency option available to the court.

18 (3) The permanency options listed in the following
19 paragraphs shall only be considered by the court if adoption
20 is determined by the court to not be in the child's best
21 interest:

22 (a) Guardianship pursuant to chapter 744.

23 (b) Long-term custody.

24 (c) Long-term licensed custody.

25 (d) Independent living.

26 (4) Any person with whom a child is placed with a
27 permanency goal outlined in subsection (3) shall have the
28 following parental rights with respect to the child:
29 protection, education, care and control of the person, custody
30 of the person, and decisionmaking.

31

1 (5) The relationship created by a placement under this
2 part is intended to be permanent and self-sustaining. It may
3 be disturbed only by a subsequent finding by the court that
4 the relationship is no longer in the best interest of the
5 child.

6 Section 15. Section 39.622, Florida Statutes, is
7 created to read:

8 39.622 Long-term custody.--When the parents have
9 either consented to long-term custody, had their parental
10 rights terminated, or failed to substantially comply with a
11 case plan, and the court determines at a judicial review
12 hearing, or at an adjudication hearing held pursuant to this
13 chapter, that neither reunification nor adoption is in the
14 best interest of the child, the court may place the child in
15 the long-term custody of an adult relative or other adult
16 approved by the court who has had custody of the child for at
17 least the 6 preceding months and is willing to care for the
18 child, if all of the following conditions are met:

19 (1) A case plan describing the responsibilities of the
20 relative or other adult, the department, and any other party
21 has been submitted to the court.

22 (2) The case plan for the child does not include
23 reunification with the parents or adoption by the relative or
24 other adult.

25 (3) The child and the relative or other adult are
26 determined not to need protective supervision or preventive
27 services to ensure the stability of the long-term custodial
28 relationship.

29 (4) The court has considered the reasonable preference
30 of the child if the court has found the child to be of
31

1 sufficient intelligence, understanding, and experience to
2 express a preference.

3 (5) The court has considered the recommendation of the
4 guardian ad litem if one has been appointed.

5 (6) The relative or other adult has made a commitment
6 to provide for the child until the child reaches the age of
7 majority and to prepare the child for adulthood and
8 independence.

9 (7) The relative or other adult agrees not to return
10 the child to the physical care and custody of the person from
11 whom the child was removed, including for short visitation
12 periods, without the approval of the court.

13 (8) The court shall retain jurisdiction over the case,
14 and the child shall remain in the long-term custody of the
15 relative or other adult approved by the court unless the order
16 creating the long-term custodial relationship is modified by
17 the court. The court shall discontinue regular judicial review
18 hearings and relieve the department of the responsibility for
19 supervising the placement of the child. The order terminating
20 supervision by the department shall set forth the powers of
21 the legal custodian of the child and shall include the powers
22 ordinarily granted to a guardian of the person of a minor
23 unless otherwise specified. The court may modify the terms of
24 the long-term placement if it is in the best interest of the
25 child.

26 (9) A relative or other legal custodian who has been
27 designated as a long-term custodian shall have all of the
28 rights and duties of a parent, including, but not limited to,
29 the right and duty to protect, train, and discipline the child
30 and to provide the child with food, shelter, and education,
31 and ordinary medical, dental, psychiatric, and psychological

1 care, unless these rights and duties are otherwise enlarged or
2 limited by the court order establishing the long-term
3 custodial relationship. The long-term custodian must inform
4 the court in writing of any changes in the residence of the
5 long-term custodian or the child.

6 Section 16. Section 39.623, Florida Statutes, is
7 created to read:

8 39.623 Long-term licensed custody.--The court may
9 approve placement of the child in long-term licensed custody,
10 as a permanency option, when all of the following conditions
11 are met:

12 (1) The child is 14 years of age or older.

13 (2) The child is living in a licensed home and the
14 foster parents desire to provide care for the child on a
15 permanent basis and the foster parents and the child do not
16 desire adoption.

17 (3) The foster parents have made a commitment to
18 provide for the child until he or she reaches the age of
19 majority and to prepare the child for adulthood and
20 independence.

21 (4) The child has remained in the home for a
22 continuous period of no less than 12 months.

23 (5) The foster parents and the child view one another
24 as family and consider living together as the best place for
25 the child to be on a permanent basis.

26 (6) The department's social services study recommends
27 such placement and finds the child's well-being has been
28 promoted through living with the foster parents.

29
30 Notwithstanding the retention of jurisdiction and supervision
31 by the department, long-term licensed custody placements made

1 pursuant to this section shall be considered a permanency
2 option for the child. For purposes of this section,
3 supervision by the department shall be defined as a minimum of
4 semiannual visits. The order placing the child in long-term
5 licensed custody as a permanency option shall set forth the
6 powers of the foster parents of the child and shall include
7 the powers ordinarily granted to a guardian of the person of a
8 minor unless otherwise specified. The court may modify the
9 permanency option of long-term licensed custody if it finds
10 that the placement is no longer in the best interest of the
11 child.

12 Section 17. Section 39.624, Florida Statutes, is
13 created to read:

14 39.624 Independent living.--The court may approve
15 placement of the child in an independent living arrangement as
16 permanency for any child 16 years of age or older, if it can
17 be clearly established that this type of alternate care
18 arrangement is the most appropriate plan and that the health,
19 safety, and well-being of the child will not be jeopardized by
20 such an arrangement. While in independent living situations,
21 children whose legal custody has been awarded to the
22 department or a licensed child-caring or child-placing agency,
23 or who have been voluntarily placed with such an agency by a
24 parent, guardian, relative, or adult approved by the court,
25 continue to be subject to court review provisions until the
26 child reaches the age of 18.

27 Section 18. Paragraph (b) of subsection (3) and
28 paragraphs (b) and (c) of subsection (6) of section 39.701,
29 Florida Statutes, are amended to read:

30 39.701 Judicial review.--
31 (3)

1 (b) If the citizen review panel recommends extending
2 the goal of reunification for any case plan beyond 12 months
3 from the date the child was removed from the home or the case
4 plan was adopted, whichever date came first, the court must
5 schedule a judicial review hearing to be conducted by the
6 court within 30 days after receiving the recommendation from
7 the citizen review panel.

8 (6)

9 (b) A copy of the social service agency's written
10 report and the written report of the guardian ad litem must be
11 served on all parties whose whereabouts are known;~~provided to~~
12 ~~the attorney of record of the parents; to the parents; to the~~
13 ~~foster parents or legal custodians; and to the~~ to each citizen
14 review panel, ~~and to the guardian ad litem for the child, or~~
15 ~~the representative of the guardian ad litem program if the~~
16 ~~program has been appointed by the court,~~ at least 72 hours
17 before the judicial review hearing or citizen review panel
18 hearing. The requirement for providing parents with a copy of
19 the written report does not apply to those parents who have
20 voluntarily surrendered their child for adoption or who have
21 had their parental rights to the child terminated.

22 (c) In a case in which the child has been permanently
23 placed with the social service agency, the agency shall
24 furnish to the court a written report concerning the progress
25 being made to place the child for adoption. If the child
26 cannot be placed for adoption, a report on the progress made
27 by the child towards alternative permanency goals or
28 placements, including, but not limited to, guardianship,
29 long-term custody, long-term licensed custody ~~foster care, or~~
30 ~~independent living, custody to a relative or other adult~~
31 ~~approved by the court on a permanent basis with or without~~

1 ~~legal guardianship, or custody to a foster parent or legal~~
2 ~~custodian on a permanent basis with or without legal~~
3 ~~guardianship~~, must be submitted to the court. The report must
4 be submitted to the court at least 72 hours before each
5 scheduled judicial review.

6 Section 19. Subsection (5) of section 39.803, Florida
7 Statutes, is amended to read:

8 39.803 Identity or location of parent unknown after
9 filing of termination of parental rights petition; special
10 procedures.--

11 (5) If the inquiry under subsection (1) identifies a
12 parent or prospective parent, and that person's location is
13 unknown, the court shall direct the petitioner ~~department~~ to
14 conduct a diligent search for that person before scheduling an
15 adjudicatory hearing regarding the petition for termination of
16 parental rights to dependency ~~of~~ of the child unless the court
17 finds that the best interest of the child requires proceeding
18 without actual notice to the person whose location is unknown.

19 Section 20. Section 39.804, Florida Statutes, is
20 amended to read:

21 39.804 Penalties for false statements of paternity.--A
22 mother of a dependent child, or any person other than the
23 mother, A person who knowingly and willfully makes a false
24 statement concerning the ~~claiming~~ paternity of a child in
25 conjunction with a petition to terminate parental rights under
26 this chapter and causes such false statement of paternity to
27 be filed with the court commits a misdemeanor of the first
28 degree, punishable as provided in s. 775.082 or s. 775.083. A
29 person who makes a statement claiming paternity in good faith
30 is immune from criminal liability under this section.

31

1 Section 21. Paragraph (b) of subsection (1) of section
2 39.806, Florida Statutes, is amended to read:

3 39.806 Grounds for termination of parental rights.--

4 (1) The department, the guardian ad litem, a licensed
5 child-placing agency, or any person who has knowledge of the
6 facts alleged or who is informed of said facts and believes
7 that they are true, may petition for the termination of
8 parental rights under any of the following circumstances:

9 (b) Abandonment as defined in s. 39.01(1) or when the
10 identity or location of the parent or parents is unknown and
11 cannot be ascertained by diligent search within 60 days.

12 Section 22. Paragraphs (a) and (b) of subsection (2)
13 of section 39.807, Florida Statutes, are amended to read:

14 39.807 Right to counsel; guardian ad litem.--

15 (2)(a) The court shall appoint a guardian ad litem to
16 represent the best interest of the child in any termination of
17 parental rights proceedings and shall ascertain at each stage
18 of the proceedings whether a guardian ad litem has been
19 appointed.

20 (b) The guardian ad litem has the following
21 responsibilities:

22 1. To investigate the allegations of the petition and
23 any subsequent matters arising in the case and, unless excused
24 by the court, to file a written report. This report must
25 include a statement of the wishes of the child and the
26 recommendations of the guardian ad litem and must be provided
27 to all parties and the court at least 72 hours before the
28 disposition hearing.

29 2. To be present at all court hearings unless excused
30 by the court.

31

1 3. To represent the best interests of the child until
2 the jurisdiction of the court over the child terminates or
3 until excused by the court.

4 Section 23. Subsection (4) of section 39.811, Florida
5 Statutes, is amended to read:

6 39.811 Powers of disposition; order of disposition.--

7 (4) If the child is neither in the custody of the
8 department nor in the custody of a parent and the court finds
9 that the grounds for termination of parental rights have been
10 established for either or both parents, the court shall enter
11 an order terminating parental rights for the parent or parents
12 for whom the grounds for termination have been established and
13 placing the child with the department or an appropriate legal
14 custodian. If the parental rights of both parents have been
15 terminated, or if the parental rights of only one parent have
16 been terminated and the court makes specific findings based on
17 evidence presented that placement with the remaining parent is
18 likely to be harmful to the child, the court may order that
19 the child be placed with a legal custodian other than the
20 department after hearing evidence of the suitability of such
21 intended placement. Suitability of the intended placement
22 includes the fitness and capabilities of the proposed legal
23 custodian to function as the primary caregiver for a
24 particular child; and the compatibility of the child with the
25 home in which the child is intended to be placed. If the
26 court orders that a child be placed with a legal custodian
27 under this subsection, the court shall appoint such legal
28 custodian either as the guardian for the child as provided in
29 s. 744.3021 or as the long-term custodian of the child as
30 provided in s. 39.622 so long as the child has been residing
31 with the legal custodian for a minimum of 6 months. The court

1 may modify the order placing the child in the custody of the
2 legal custodian and revoke the guardianship established under
3 s. 744.3021 or the long-term custodial relationship if the
4 court subsequently finds the placement to be no longer in the
5 best interest of the child.

6 Section 24. Subsections (1) and (2) of section
7 435.045, Florida Statutes, are amended to read:

8 435.045 Requirements for prospective foster or
9 adoptive parents.--

10 (1)(a) Unless an election provided for in subsection
11 (2) is made with respect to the state, the department shall
12 conduct criminal records checks equivalent to the level 2
13 screening required in s. 435.04(1) for any prospective foster
14 or adoptive parent before the foster or adoptive parent may be
15 finally approved for placement of a child on whose behalf
16 foster care maintenance payments or adoption assistance
17 payments under s. 471 of the Social Security Act, 42 U.S.C. s.
18 671, are to be made. Approval shall not be granted:

19 1.(a) In any case in which a record check reveals a
20 felony conviction for child abuse, abandonment, or neglect;
21 for spousal abuse; for a crime against children, including
22 child pornography, or for a crime involving violence,
23 including rape, sexual assault, or homicide but not including
24 other physical assault or battery, if the department finds
25 that a court of competent jurisdiction has determined that the
26 felony was committed at any time; and

27 2.(b) In any case in which a record check reveals a
28 felony conviction for physical assault, battery, or a
29 drug-related offense, if the department finds that a court of
30 competent jurisdiction has determined that the felony was
31 committed within the past 5 years.

1 (b) Notwithstanding paragraph (a), the department may
2 place a child in a foster home which otherwise meets licensing
3 requirements if state and local criminal records checks do not
4 disqualify the applicant and the department has submitted
5 fingerprint information to the Florida Department of Law
6 Enforcement for forwarding to the Federal Bureau of
7 Investigation and is awaiting the results of the federal
8 criminal records check.

9 (c) Prospective and approved foster parents must
10 disclose to the department any prior or pending local, state,
11 or federal criminal proceedings in which they are or have been
12 involved.

13 (2) For purposes of this section, and ss. 39.401(3)
14 and 39.521(1)(d)~~39.508(9)(b) and (10)(a)~~, the department and
15 its authorized agents or contract providers are hereby
16 designated a criminal justice agency for the purposes of
17 accessing criminal justice information, including National
18 Crime Information Center information, to be used for enforcing
19 Florida's laws concerning the crimes of child abuse,
20 abandonment, and neglect. This information shall be used
21 solely for purposes supporting the detection, apprehension,
22 prosecution, pretrial release, posttrial release, or
23 rehabilitation of criminal offenders or persons accused of the
24 crimes of child abuse, abandonment, or neglect and shall not
25 be further disseminated or used for any other purposes.

26 Section 25. Paragraph (b) of subsection (3) of section
27 39.0015, Florida Statutes, is amended to read:

28 39.0015 Child abuse prevention training in the
29 district school system.--

30 (3) DEFINITIONS.--As used in this section:
31

1 (b) "Child abuse" means those acts as defined in ss.
2 39.01(1), (2), (30), (45), (47), (55), and (66)~~(44)~~, ~~(46)~~,
3 ~~(53)~~, and ~~(64)~~, 827.04, and 984.03(1), (2), and (39).

4 Section 26. Subsection (1) of section 39.302, Florida
5 Statutes, is amended to read:

6 39.302 Protective investigations of institutional
7 child abuse, abandonment, or neglect.--

8 (1) The department shall conduct a child protective
9 investigation of each report of institutional child abuse,
10 abandonment, or neglect. Upon receipt of a report which
11 alleges that an employee or agent of the department, or any
12 other entity or person covered by s. 39.01(32) or (50)~~(48)~~,
13 acting in an official capacity, has committed an act of child
14 abuse, abandonment, or neglect, the department shall
15 immediately initiate a child protective investigation and
16 orally notify the appropriate state attorney, law enforcement
17 agency, and licensing agency. These agencies shall
18 immediately conduct a joint investigation, unless independent
19 investigations are more feasible. When conducting
20 investigations onsite or having face-to-face interviews with
21 the child, such investigation visits shall be unannounced
22 unless it is determined by the department or its agent that
23 such unannounced visits would threaten the safety of the
24 child. When a facility is exempt from licensing, the
25 department shall inform the owner or operator of the facility
26 of the report. Each agency conducting a joint investigation
27 shall be entitled to full access to the information gathered
28 by the department in the course of the investigation. A
29 protective investigation must include an onsite visit of the
30 child's place of residence. In all cases, the department shall
31 make a full written report to the state attorney within 3

1 working days after making the oral report. A criminal
2 investigation shall be coordinated, whenever possible, with
3 the child protective investigation of the department. Any
4 interested person who has information regarding the offenses
5 described in this subsection may forward a statement to the
6 state attorney as to whether prosecution is warranted and
7 appropriate. Within 15 days after the completion of the
8 investigation, the state attorney shall report the findings to
9 the department and shall include in such report a
10 determination of whether or not prosecution is justified and
11 appropriate in view of the circumstances of the specific case.

12 Section 27. Paragraph (b) of subsection (10) of
13 section 409.2554, Florida Statutes, is amended to read:

14 409.2554 Definitions.--As used in ss.
15 409.2551-409.2598, the term:

16 (10) "Support" means:

17 (b) Support for a child who is placed under the
18 custody of someone other than the custodial parent pursuant to
19 s. 39.521, s. 39.5215, s. 39.622, s. 39.623, or s. 39.624 ~~s.~~
20 ~~39.508~~.

21 Section 28. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

Revises, reorganizes, and clarifies various provisions
relating to the protection of dependent children. See
bill for details.