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1  
2 An act relating to child protection; amending s.  
3 39.01, F.S.; revising definitions; amending s. 39.013,  
4 F.S.; specifying when jurisdiction attaches for a  
5 petition for an injunction to prevent child abuse  
6 issued pursuant to specified provisions; amending s.  
7 39.0138, F.S.; revising provisions relating to  
8 criminal history records check on persons being  
9 considered for placement of a child; requiring a  
10 records check through the State Automated Child  
11 Welfare Information System; providing for an out-of-  
12 state criminal history records check of certain  
13 persons who have lived out of state if such records  
14 may be obtained; amending s. 39.201, F.S.; providing  
15 procedures for calls from a parent or legal custodian  
16 seeking assistance for himself or herself which do not  
17 meet the criteria for being a report of child abuse,  
18 abandonment, or neglect, but show a potential future  
19 risk of harm to a child and requiring a referral if a  
20 need for community services exists; specifying that  
21 the central abuse hotline is the first step in the  
22 safety assessment and investigation process; amending  
23 s. 39.205, F.S.; permitting discontinuance of an  
24 investigation of child abuse, abandonment, or neglect  
25 during the course of the investigation if it is  
26 determined that the report was false; amending s.  
27 39.301, F.S.; substituting references to a standard  
28 electronic child welfare case for a master file;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | revising requirements for such a file; revising  
30 | requirements for informing the subject of an  
31 | investigation; deleting provisions relating to a  
32 | preliminary determination as to whether an  
33 | investigation report is complete; revising  
34 | requirements for child protective investigation  
35 | activities to be performed to determine child safety;  
36 | specifying uses for certain criminal justice  
37 | information accesses by child protection  
38 | investigators; requiring documentation of the present  
39 | and impending dangers to each child through use of a  
40 | standardized safety assessment; revising provisions  
41 | relating to required protective, treatment, and  
42 | ameliorative services; revising requirements for the  
43 | Department of Children and Family Service's training  
44 | program for staff responsible for responding to  
45 | reports accepted by the central abuse hotline;  
46 | requiring the department's training program at the  
47 | regional and district levels to include results of  
48 | qualitative reviews of child protective investigation  
49 | cases handled within the region or district; revising  
50 | requirements for the department's quality assurance  
51 | program; amending s. 39.302, F.S.; requiring that a  
52 | protective investigation must include an interview  
53 | with the child's parent or legal guardian; amending s.  
54 | 39.307, F.S.; requiring the department, contracted  
55 | sheriff's office providing protective investigation  
56 | services, or contracted case management personnel

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57 | responsible for providing services to adhere to  
58 | certain procedures relating to reports of child-on-  
59 | child sexual abuse; deleting a requirement that an  
60 | assessment of service and treatment needs to be  
61 | completed within a specified period; amending s.  
62 | 39.504, F.S.; revising provisions relating to the  
63 | process for seeking a child protective injunction;  
64 | providing for temporary ex parte injunctions;  
65 | providing requirements for service on an alleged  
66 | offender; revising provisions relating to the contents  
67 | of an injunction; providing for certain relief;  
68 | providing requirements for notice of a hearing on a  
69 | motion to modify or dissolve an injunction; providing  
70 | that a person against whom an injunction is entered  
71 | does not automatically become a party to a subsequent  
72 | dependency action concerning the same child; amending  
73 | s. 39.521, F.S.; requiring a home study report if a  
74 | child has been removed from the home and will be  
75 | remaining with a parent; substituting references to  
76 | the State Automated Child Welfare Information System  
77 | for the Florida Abuse Hotline Information System  
78 | applicable to records checks; authorizing submission  
79 | of fingerprints of certain household members;  
80 | authorizing requests for national criminal history  
81 | checks and fingerprinting of any visitor to the home  
82 | known to the department; amending s. 39.6011, F.S.;  
83 | providing additional options for the court with  
84 | respect to case plans; providing for expiration of a

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85 | child's case plan no later than 12 months after the  
86 | date the child was adjudicated dependent; conforming a  
87 | cross-reference to changes made by the act; amending  
88 | s. 39.621, F.S.; revising terminology relating to  
89 | permanency determinations; amending s. 39.701, F.S.;  
90 | providing that a court must schedule a judicial review  
91 | hearing if the citizen review panel recommends  
92 | extending the goal of reunification for any case plan  
93 | beyond 12 months from the date the child was  
94 | adjudicated dependent, unless specified other events  
95 | occurred earlier; conforming a cross-reference to  
96 | changes made by the act; amending s. 39.8055, F.S.;  
97 | requiring the department to file a petition to  
98 | terminate parental rights within a certain number of  
99 | days after the completion of a specified period after  
100 | the child was sheltered or adjudicated dependent,  
101 | whichever occurs first; amending s. 39.806, F.S.;  
102 | providing additional criteria for the court to  
103 | consider when deciding whether to terminate the  
104 | parental rights of a parent or legal guardian because  
105 | the parent or legal guardian is incarcerated;  
106 | increasing the number of months of failure of the  
107 | parent or parents to substantially comply with a  
108 | child's case plan in certain circumstances that  
109 | constitutes evidence of continuing abuse, neglect, or  
110 | abandonment and grounds for termination of parental  
111 | rights; revising a cross-reference; amending s.  
112 | 402.56, F.S.; providing that the Children and Youth

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113 Cabinet shall meet at least four times but no more  
114 than six times each year; amending ss. 39.502, 39.823,  
115 and 39.828, F.S.; conforming cross-references to  
116 changes made by the act; providing an effective date.  
117

118 Be It Enacted by the Legislature of the State of Florida:  
119

120 Section 1. Subsection (1), paragraph (e) of subsection  
121 (32), and subsection (33) of section 39.01, Florida Statutes,  
122 are amended to read:

123 39.01 Definitions.—When used in this chapter, unless the  
124 context otherwise requires:

125 (1) "Abandoned" or "abandonment" means a situation in  
126 which the parent or legal custodian of a child or, in the  
127 absence of a parent or legal custodian, the caregiver, while  
128 being able, has made ~~makes~~ no significant contribution to the  
129 child's care and maintenance or provision for the child's  
130 ~~support and~~ has failed to establish or maintain a substantial  
131 and positive relationship with the child, or both. For purposes  
132 of this subsection, "establish or maintain a substantial and  
133 positive relationship" includes, but is not limited to, frequent  
134 and regular contact with the child through frequent and regular  
135 visitation or frequent and regular communication to or with the  
136 child, and the exercise of parental rights and responsibilities.  
137 Marginal efforts and incidental or token visits or  
138 communications are not sufficient to establish or maintain a  
139 substantial and positive relationship with a child. The term  
140 does not include a surrendered newborn infant as described in s.

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141 383.50, a "child in need of services" as defined in chapter 984,  
142 or a "family in need of services" as defined in chapter 984. The  
143 incarceration, repeated incarceration, or extended incarceration  
144 of a parent, legal custodian, or caregiver responsible for a  
145 child's welfare may support a finding of abandonment.

146 (32) "Harm" to a child's health or welfare can occur when  
147 any person:

148 (e) Abandons the child. Within the context of the  
149 definition of "harm," the term "abandoned the child" or  
150 "abandonment of the child" means a situation in which the parent  
151 or legal custodian of a child or, in the absence of a parent or  
152 legal custodian, the caregiver, while being able, has made ~~makes~~  
153 no significant contribution to the child's care and maintenance  
154 or provision for the child's support and has failed to establish  
155 or maintain a substantial and positive relationship with the  
156 child, or both. For purposes of this paragraph, "establish or  
157 maintain a substantial and positive relationship" includes, but  
158 is not limited to, frequent and regular contact with the child  
159 through frequent and regular visitation or frequent and regular  
160 communication to or with the child, and the exercise of parental  
161 rights and responsibilities. Marginal efforts and incidental or  
162 token visits or communications are not sufficient to establish  
163 or maintain a substantial and positive relationship with a  
164 child. The term "abandoned" does not include a surrendered  
165 newborn infant as described in s. 383.50, a child in need of  
166 services as defined in chapter 984, or a family in need of  
167 services as defined in chapter 984. The incarceration, repeated  
168 incarceration, or extended incarceration of a parent, legal

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169 custodian, or caregiver responsible for a child's welfare may  
170 support a finding of abandonment.

171 (33) "Institutional child abuse or neglect" means  
172 situations of known or suspected child abuse or neglect in which  
173 the person allegedly perpetrating the child abuse or neglect is  
174 an employee of a private school, public or private day care  
175 center, residential home, institution, facility, or agency or  
176 any other person at such institution responsible for the child's  
177 care as defined in subsection (47).

178 Section 2. Subsection (2) of section 39.013, Florida  
179 Statutes, is amended to read:

180 39.013 Procedures and jurisdiction; right to counsel.—

181 (2) The circuit court has exclusive original jurisdiction  
182 of all proceedings under this chapter, of a child voluntarily  
183 placed with a licensed child-caring agency, a licensed child-  
184 placing agency, or the department, and of the adoption of  
185 children whose parental rights have been terminated under this  
186 chapter. Jurisdiction attaches when the initial shelter  
187 petition, dependency petition, or termination of parental rights  
188 petition, or a petition for an injunction to prevent child abuse  
189 issued pursuant to s. 39.504, is filed or when a child is taken  
190 into the custody of the department. The circuit court may assume  
191 jurisdiction over any such proceeding regardless of whether the  
192 child was in the physical custody of both parents, was in the  
193 sole legal or physical custody of only one parent, caregiver, or  
194 some other person, or was not in the physical or legal custody  
195 of any ~~no~~ person when the event or condition occurred that  
196 brought the child to the attention of the court. When the court

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197 obtains jurisdiction of any child who has been found to be  
198 dependent, the court shall retain jurisdiction, unless  
199 relinquished by its order, until the child reaches 18 years of  
200 age. However, if a youth petitions the court at any time before  
201 his or her 19th birthday requesting the court's continued  
202 jurisdiction, the juvenile court may retain jurisdiction under  
203 this chapter for a period not to exceed 1 year following the  
204 youth's 18th birthday for the purpose of determining whether  
205 appropriate aftercare support, Road-to-Independence Program,  
206 transitional support, mental health, and developmental  
207 disability services, to the extent otherwise authorized by law,  
208 have been provided to the formerly dependent child who was in  
209 the legal custody of the department immediately before his or  
210 her 18th birthday. If a petition for special immigrant juvenile  
211 status and an application for adjustment of status have been  
212 filed on behalf of a foster child and the petition and  
213 application have not been granted by the time the child reaches  
214 18 years of age, the court may retain jurisdiction over the  
215 dependency case solely for the purpose of allowing the continued  
216 consideration of the petition and application by federal  
217 authorities. Review hearings for the child shall be set solely  
218 for the purpose of determining the status of the petition and  
219 application. The court's jurisdiction terminates upon the final  
220 decision of the federal authorities. Retention of jurisdiction  
221 in this instance does not affect the services available to a  
222 young adult under s. 409.1451. The court may not retain  
223 jurisdiction of the case after the immigrant child's 22nd  
224 birthday.



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225 Section 3. Subsection (1) of section 39.0138, Florida  
 226 Statutes, is amended to read:  
 227 39.0138 Criminal history and other records checks ~~check~~;  
 228 limit on placement of a child.—  
 229 (1) The department shall conduct a records check through  
 230 the State Automated Child Welfare Information System (SACWIS)  
 231 and a local and statewide criminal history records check on all  
 232 persons, including parents, being considered by the department  
 233 for placement of a child ~~subject to a placement decision~~ under  
 234 this chapter, including all nonrelative placement decisions, and  
 235 all members of the household, 12 years of age and older, of the  
 236 person being considered, ~~and frequent visitors to the household.~~  
 237 For purposes of this section, a criminal history records check  
 238 may include, but is not limited to, submission of fingerprints  
 239 to the Department of Law Enforcement for processing and  
 240 forwarding to the Federal Bureau of Investigation for state and  
 241 national criminal history information, and local criminal  
 242 records checks through local law enforcement agencies of all  
 243 household members 18 years of age and older and other visitors  
 244 to the home. An out-of-state criminal history records check must  
 245 be initiated for any person 18 years of age or older who resided  
 246 in another state if that state allows the release of such  
 247 records. A criminal history records check must also include a  
 248 ~~search of the department's automated abuse information system.~~  
 249 The department shall establish by rule standards for evaluating  
 250 any information contained in the automated system relating to a  
 251 person who must be screened for purposes of making a placement  
 252 decision.

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253 Section 4. Paragraph (a) of subsection (2) and subsection  
254 (4) of section 39.201, Florida Statutes, are amended to read:

255 39.201 Mandatory reports of child abuse, abandonment, or  
256 neglect; mandatory reports of death; central abuse hotline.—

257 (2) (a) Each report of known or suspected child abuse,  
258 abandonment, or neglect by a parent, legal custodian, caregiver,  
259 or other person responsible for the child's welfare as defined  
260 in this chapter, except those solely under s. 827.04(3), and  
261 each report that a child is in need of supervision and care and  
262 has no parent, legal custodian, or responsible adult relative  
263 immediately known and available to provide supervision and care  
264 shall be made immediately to the department's central abuse  
265 hotline. Such reports may be made on the single statewide toll-  
266 free telephone number or via fax or web-based report. Personnel  
267 at the department's central abuse hotline shall determine if the  
268 report received meets the statutory definition of child abuse,  
269 abandonment, or neglect. Any report meeting one of these  
270 definitions shall be accepted for the protective investigation  
271 pursuant to part III of this chapter. Any call received from a  
272 parent or legal custodian seeking assistance for himself or  
273 herself which does not meet the criteria for being a report of  
274 child abuse, abandonment, or neglect may be accepted by the  
275 hotline for response to ameliorate a potential future risk of  
276 harm to a child. If it is determined by a child welfare  
277 professional that a need for community services exists, the  
278 department shall refer the parent or legal custodian for  
279 appropriate voluntary community services.

280 (4) The department shall operate ~~establish~~ and maintain a

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281 central abuse hotline to receive all reports made pursuant to  
282 this section in writing, via fax, via web-based reporting, or  
283 through a single statewide toll-free telephone number, which any  
284 person may use to report known or suspected child abuse,  
285 abandonment, or neglect at any hour of the day or night, any day  
286 of the week. The central abuse hotline is the first step in the  
287 safety assessment and investigation process. The central abuse  
288 hotline shall be operated in such a manner as to enable the  
289 department to:

290 (a) Immediately identify and locate prior reports or cases  
291 of child abuse, abandonment, or neglect through utilization of  
292 the department's automated tracking system.

293 (b) Monitor and evaluate the effectiveness of the  
294 department's program for reporting and investigating suspected  
295 abuse, abandonment, or neglect of children through the  
296 development and analysis of statistical and other information.

297 (c) Track critical steps in the investigative process to  
298 ensure compliance with all requirements for any report of abuse,  
299 abandonment, or neglect.

300 (d) Maintain and produce aggregate statistical reports  
301 monitoring patterns of child abuse, child abandonment, and child  
302 neglect. The department shall collect and analyze child-on-child  
303 sexual abuse reports and include the information in aggregate  
304 statistical reports.

305 (e) Serve as a resource for the evaluation, management,  
306 and planning of preventive and remedial services for children  
307 who have been subject to abuse, abandonment, or neglect.

308 (f) Initiate and enter into agreements with other states

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309 | for the purpose of gathering and sharing information contained  
310 | in reports on child maltreatment to further enhance programs for  
311 | the protection of children.

312 |       Section 5. Subsections (3) and (5) of section 39.205,  
313 | Florida Statutes, are amended to read:

314 |       39.205 Penalties relating to reporting of child abuse,  
315 | abandonment, or neglect.—

316 |       (3) A person who knowingly and willfully makes public or  
317 | discloses any confidential information contained in the central  
318 | abuse hotline or in the records of any child abuse, abandonment,  
319 | or neglect case, except as provided in this chapter, commits ~~is~~  
320 | ~~guilty of~~ a misdemeanor of the second degree, punishable as  
321 | provided in s. 775.082 or s. 775.083.

322 |       (5) If the department or its authorized agent has  
323 | determined during the course of ~~after~~ its investigation that a  
324 | report is a false report, the department may discontinue all  
325 | investigative activities and shall, with the consent of the  
326 | alleged perpetrator, refer the report to the local law  
327 | enforcement agency having jurisdiction for an investigation to  
328 | determine whether sufficient evidence exists to refer the case  
329 | for prosecution for filing a false report as defined in s.  
330 | 39.01. During the pendency of the investigation, the department  
331 | must notify the local law enforcement agency of, and the local  
332 | law enforcement agency must respond to, all subsequent reports  
333 | concerning children in that same family in accordance with s.  
334 | 39.301. If the law enforcement agency believes that there are  
335 | indicators of abuse, abandonment, or neglect, it must  
336 | immediately notify the department, which must ensure the safety

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337 of the children. If the law enforcement agency finds sufficient  
338 evidence for prosecution for filing a false report, it must  
339 refer the case to the appropriate state attorney for  
340 prosecution.

341 Section 6. Section 39.301, Florida Statutes, is amended to  
342 read:

343 39.301 Initiation of protective investigations.—

344 (1) Upon receiving a report of known or suspected child  
345 abuse, abandonment, or neglect, or that a child is in need of  
346 supervision and care and has no parent, legal custodian, or  
347 responsible adult relative immediately known and available to  
348 provide supervision and care, the central abuse hotline shall  
349 determine if the report requires an immediate onsite protective  
350 investigation. For reports requiring an immediate onsite  
351 protective investigation, the central abuse hotline shall  
352 immediately notify the department's designated district staff  
353 responsible for protective investigations to ensure that an  
354 onsite investigation is promptly initiated. For reports not  
355 requiring an immediate onsite protective investigation, the  
356 central abuse hotline shall notify the department's designated  
357 district staff responsible for protective investigations in  
358 sufficient time to allow for an investigation. At the time of  
359 notification, the central abuse hotline shall also provide  
360 information to district staff on any previous report concerning  
361 a subject of the present report or any pertinent information  
362 relative to the present report or any noted earlier reports.

363 (2) (a) The department shall immediately forward  
364 allegations of criminal conduct to the municipal or county law

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365 enforcement agency of the municipality or county in which the  
366 alleged conduct has occurred.

367 (b) As used in this subsection, the term "criminal  
368 conduct" means:

369 1. A child is known or suspected to be the victim of child  
370 abuse, as defined in s. 827.03, or of neglect of a child, as  
371 defined in s. 827.03.

372 2. A child is known or suspected to have died as a result  
373 of abuse or neglect.

374 3. A child is known or suspected to be the victim of  
375 aggravated child abuse, as defined in s. 827.03.

376 4. A child is known or suspected to be the victim of  
377 sexual battery, as defined in s. 827.071, or of sexual abuse, as  
378 defined in s. 39.01.

379 5. A child is known or suspected to be the victim of  
380 institutional child abuse or neglect, as defined in s. 39.01,  
381 and as provided for in s. 39.302(1).

382 6. A child is known or suspected to be a victim of human  
383 trafficking, as provided in s. 787.06.

384 (c) Upon receiving a written report of an allegation of  
385 criminal conduct from the department, the law enforcement agency  
386 shall review the information in the written report to determine  
387 whether a criminal investigation is warranted. If the law  
388 enforcement agency accepts the case for criminal investigation,  
389 it shall coordinate its investigative activities with the  
390 department, whenever feasible. If the law enforcement agency  
391 does not accept the case for criminal investigation, the agency  
392 shall notify the department in writing.

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393 (d) The local law enforcement agreement required in s.  
394 39.306 shall describe the specific local protocols for  
395 implementing this section.

396 (3) The department shall maintain a single, standard  
397 electronic child welfare case ~~master~~ file for each child whose  
398 report is accepted by the central abuse hotline for  
399 investigation. Such file must contain information concerning all  
400 reports received by the abuse hotline concerning that child and  
401 all services received by that child and family. The file must be  
402 made available to any department staff, agent of the department,  
403 or contract provider given responsibility for conducting a  
404 protective investigation.

405 (4) To the extent practical, all protective investigations  
406 involving a child shall be conducted or the work supervised by a  
407 single individual in order for there to be broad knowledge and  
408 understanding of the child's history. When a new investigator is  
409 assigned to investigate a second and subsequent report involving  
410 a child, a multidisciplinary staffing shall be conducted which  
411 includes new and prior investigators, their supervisors, and  
412 appropriate private providers in order to ensure that, to the  
413 extent possible, there is coordination among all parties. The  
414 department shall establish an internal operating procedure that  
415 ensures that all required investigatory activities, including a  
416 review of the child's complete investigative and protective  
417 services history, are completed by the investigator, reviewed by  
418 the supervisor in a timely manner, and signed and dated by both  
419 the investigator and the supervisor.

420 (5) (a) Upon commencing an investigation under this part,

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421 the child protective investigator shall inform any subject of  
 422 the investigation of the following:

- 423 1. The names of the investigators and identifying  
 424 credentials from the department.
- 425 2. The purpose of the investigation.
- 426 3. The right to obtain his or her own attorney and ways  
 427 that the information provided by the subject may be used.
- 428 4. The possible outcomes and services of the department's  
 429 response ~~shall be explained to the parent or legal custodian.~~
- 430 5. The right of the parent or legal custodian to be  
 431 engaged ~~involved~~ to the fullest extent possible in determining  
 432 the nature of the allegation and the nature of any identified  
 433 problem and the remedy.
- 434 6. The duty of the parent or legal custodian to report any  
 435 change in the residence or location of the child to the  
 436 investigator and that the duty to report continues until the  
 437 investigation is closed.

438 (b) The investigator shall ~~department's training program~~  
 439 ~~shall ensure that protective investigators know how to~~ fully  
 440 inform parents or legal custodians of their rights and options,  
 441 including opportunities for audio or video recording of  
 442 investigators' interviews with parents or legal custodians or  
 443 children.

444 (6) Upon commencing an investigation under this part, if a  
 445 report was received from a reporter under s. 39.201(1)(b), the  
 446 protective investigator must provide his or her contact  
 447 information to the reporter within 24 hours after being assigned  
 448 to the investigation. The investigator must also advise the



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449 reporter that he or she may provide a written summary of the  
450 report made to the central abuse hotline to the investigator  
451 which shall become a part of the electronic child welfare case  
452 ~~master~~ file.

453 (7) An assessment of safety ~~risk~~ and the perceived needs  
454 for the child and family shall be conducted in a manner that is  
455 sensitive to the social, economic, and cultural environment of  
456 the family. This assessment must include a face-to-face  
457 interview with the child, other siblings, parents, and other  
458 adults in the household and an onsite assessment of the child's  
459 residence.

460 (8) Protective investigations shall be performed by the  
461 department or its agent.

462 ~~(9) The person responsible for the investigation shall~~  
463 ~~make a preliminary determination as to whether the report is~~  
464 ~~complete, consulting with the attorney for the department when~~  
465 ~~necessary. In any case in which the person responsible for the~~  
466 ~~investigation finds that the report is incomplete, he or she~~  
467 ~~shall return it without delay to the person or agency~~  
468 ~~originating the report or having knowledge of the facts, or to~~  
469 ~~the appropriate law enforcement agency having investigative~~  
470 ~~jurisdiction, and request additional information in order to~~  
471 ~~complete the report; however, the confidentiality of any report~~  
472 ~~filed in accordance with this chapter shall not be violated.~~

473 ~~(a) If it is determined that the report is complete, but~~  
474 ~~the interests of the child and the public will be best served by~~  
475 ~~providing the child care or other treatment voluntarily accepted~~  
476 ~~by the child and the parents or legal custodians, the protective~~

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477 ~~investigator may refer the parent or legal custodian and child~~  
478 ~~for such care or other treatment.~~

479 ~~(b) If it is determined that the child is in need of the~~  
480 ~~protection and supervision of the court, the department shall~~  
481 ~~file a petition for dependency. A petition for dependency shall~~  
482 ~~be filed in all cases classified by the department as high risk.~~  
483 ~~Factors that the department may consider in determining whether~~  
484 ~~a case is high-risk include, but are not limited to, the young~~  
485 ~~age of the parents or legal custodians; the use of illegal~~  
486 ~~drugs; the arrest of the parents or legal custodians on charges~~  
487 ~~of manufacturing, processing, disposing of, or storing, either~~  
488 ~~temporarily or permanently, any substances in violation of~~  
489 ~~chapter 893; or domestic violence.~~

490 ~~(c) If a petition for dependency is not being filed by the~~  
491 ~~department, the person or agency originating the report shall be~~  
492 ~~advised of the right to file a petition pursuant to this part.~~

493 (9) (10) (a) For each report received from the central abuse  
494 hotline and accepted for investigation that meets one or more of  
495 the following criteria, the department or the sheriff providing  
496 child protective investigative services under s. 39.3065, shall  
497 perform the following ~~an onsite~~ child protective investigation  
498 activities to determine child safety:

499 1. Conduct a review of all relevant, available information  
500 specific to the child and family and alleged maltreatment;  
501 family child welfare history; local, state, and federal criminal  
502 records checks; and requests for law enforcement assistance  
503 provided by the abuse hotline. Based on a review of available  
504 information, including the allegations in the current report, a

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505 determination shall be made as to whether immediate consultation  
 506 should occur with law enforcement, the child protection team, a  
 507 domestic violence shelter or advocate, or a substance abuse or  
 508 mental health professional. Such consultations should include  
 509 discussion as to whether a joint response is necessary and  
 510 feasible. A determination shall be made as to whether the person  
 511 making the report should be contacted before the face-to-face  
 512 interviews with the child and family members ~~A report for which~~  
 513 ~~there is obvious compelling evidence that no maltreatment~~  
 514 ~~occurred and there are no prior reports containing some~~  
 515 ~~indicators or verified findings of abuse or neglect with respect~~  
 516 ~~to any subject of the report or other individuals in the home. A~~  
 517 ~~prior report in which an adult in the home was a victim of abuse~~  
 518 ~~or neglect before becoming an adult does not exclude a report~~  
 519 ~~otherwise meeting the criteria of this subparagraph from the~~  
 520 ~~onsite child protective investigation provided for in this~~  
 521 ~~subparagraph. The process for an onsite child protective~~  
 522 ~~investigation stipulated in this subsection may not be conducted~~  
 523 ~~if an allegation meeting the criteria of this subparagraph~~  
 524 ~~involves physical abuse, sexual abuse, domestic violence,~~  
 525 ~~substance abuse or substance exposure, medical neglect, a child~~  
 526 ~~younger than 3 years of age, or a child who is disabled or lacks~~  
 527 ~~communication skills.~~

528       2. Conduct ~~A report concerning an incident of abuse which~~  
 529 ~~is alleged to have occurred 2 or more years prior to the date of~~  
 530 ~~the report and there are no other indicators of risk to any~~  
 531 ~~child in the home.~~

532       ~~(b) The onsite child protective investigation to be~~

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533 ~~performed shall include a face-to-face interviews ~~interview~~ with~~  
 534 ~~the child; other siblings, if any; and the parents, legal~~  
 535 ~~custodians, or caregivers.;~~ ~~and other adults in the household~~  
 536 ~~and an onsite assessment of the child's residence in order to:~~

537 3.1. Assess the child's residence, including a  
 538 determination of ~~Determine~~ the composition of the family and or  
 539 household, including the name, address, date of birth, social  
 540 security number, sex, and race of each child named in the  
 541 report; any siblings or other children in the same household or  
 542 in the care of the same adults; the parents, legal custodians,  
 543 or caregivers; and any other adults in the same household.

544 4.2. Determine whether there is any indication that any  
 545 child in the family or household has been abused, abandoned, or  
 546 neglected; the nature and extent of present or prior injuries,  
 547 abuse, or neglect, and any evidence thereof; and a determination  
 548 as to the person or persons apparently responsible for the  
 549 abuse, abandonment, or neglect, including the name, address,  
 550 date of birth, social security number, sex, and race of each  
 551 such person.

552 5.3. Complete assessment of immediate child safety for  
 553 ~~Determine the immediate and long-term risk to each child based~~  
 554 on available records, interviews, and observations with all  
 555 persons named in subparagraph 2. and appropriate collateral  
 556 contacts, which may include other professionals ~~by conducting~~  
 557 ~~state and federal records checks, including, when feasible, the~~  
 558 ~~records of the Department of Corrections, on the parents, legal~~  
 559 ~~custodians, or caregivers, and any other persons in the same~~  
 560 ~~household. This information shall be used solely for purposes~~

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561 ~~supporting the detection, apprehension, prosecution, pretrial~~  
 562 ~~release, posttrial release, or rehabilitation of criminal~~  
 563 ~~offenders or persons accused of the crimes of child abuse,~~  
 564 ~~abandonment, or neglect and shall not be further disseminated or~~  
 565 ~~used for any other purpose.~~ The department's child protection  
 566 investigators are hereby designated a criminal justice agency  
 567 for the purpose of accessing criminal justice information to be  
 568 used for enforcing this state's laws concerning the crimes of  
 569 child abuse, abandonment, and neglect. This information shall be  
 570 used solely for purposes supporting the detection, apprehension,  
 571 prosecution, pretrial release, posttrial release, or  
 572 rehabilitation of criminal offenders or persons accused of the  
 573 crimes of child abuse, abandonment, or neglect and may not be  
 574 further disseminated or used for any other purpose.

575 ~~6.4.~~ Document the present and impending dangers ~~Determine~~  
 576 ~~the immediate and long-term risk to each child based on the~~  
 577 ~~identification of inadequate protective capacity through~~  
 578 ~~utilization of a standardized safety risk assessment instrument~~  
 579 ~~instruments.~~

580 (b) Upon completion of the immediate safety assessment,  
 581 the department shall determine the additional activities  
 582 necessary to assess impending dangers, if any, and close the  
 583 investigation.

584 ~~5.~~ ~~Based on the information obtained from available~~  
 585 ~~sources, complete the risk assessment instrument within 48 hours~~  
 586 ~~after the initial contact and, if needed, develop a case plan.~~

587 ~~(c)6.~~ For each report received from the central abuse  
 588 hotline, the department or the sheriff providing child

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589 protective investigative services under s. 39.3065, shall  
590 determine the protective, treatment, and ameliorative services  
591 necessary to safeguard and ensure the child's safety and well-  
592 being and development, and cause the delivery of those services  
593 through the early intervention of the department or its agent.  
594 As applicable, The training provided to staff members who  
595 conduct child protective investigators investigations must  
596 inform parents and caregivers ~~include instruction on~~ how and  
597 when to use the injunction process under ~~s. 39.504~~ or s. 741.30  
598 to remove a perpetrator of domestic violence from the home as an  
599 intervention to protect the child.

600 1. If the department or the sheriff providing child  
601 protective investigative services determines that the interests  
602 of the child and the public will be best served by providing the  
603 child care or other treatment voluntarily accepted by the child  
604 and the parents or legal custodians, the parent or legal  
605 custodian and child may be referred for such care, case  
606 management, or other community resources.

607 2. If the department or the sheriff providing child  
608 protective investigative services determines that the child is  
609 in need of protection and supervision, the department may file a  
610 petition for dependency.

611 3. If a petition for dependency is not being filed by the  
612 department, the person or agency originating the report shall be  
613 advised of the right to file a petition pursuant to this part.

614 4. At the close of an investigation, the department or the  
615 sheriff providing child protective services shall provide to the  
616 person who is alleged to have caused the abuse, neglect, or

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617 abandonment and the parent or legal custodian a summary of  
618 findings from the investigation and provide information about  
619 their right to access confidential reports in accordance with s.  
620 39.202.

621 ~~(c) The determination that a report requires an~~  
622 ~~investigation as provided in this subsection and does not~~  
623 ~~require an enhanced onsite child protective investigation~~  
624 ~~pursuant to subsection (11) must be approved in writing by the~~  
625 ~~supervisor with documentation specifying why additional~~  
626 ~~investigative activities are not necessary.~~

627 ~~(d) A report that meets the criteria specified in this~~  
628 ~~subsection is not precluded from further investigative~~  
629 ~~activities. At any time it is determined that additional~~  
630 ~~investigative activities are necessary for the safety of the~~  
631 ~~child, such activities shall be conducted.~~

632 (10)-(11)(a) The department's training program for staff  
633 responsible for responding to reports accepted by the central  
634 abuse hotline must also ensure that child protective responders:

635 1. Know how to fully inform parents or legal custodians of  
636 their rights and options, including opportunities for audio or  
637 video recording of child protective responder interviews with  
638 parents or legal custodians or children.

639 2. Know how and when to use the injunction process under  
640 s. 39.504 or s. 741.30 to remove a perpetrator of domestic  
641 violence from the home as an intervention to protect the child.

642 3. Know how to explain to the parent, legal custodian, or  
643 person who is alleged to have caused the abuse, neglect, or  
644 abandonment the results of the investigation and to provide

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645 information about his or her right to access confidential  
646 reports in accordance with s. 39.202, prior to closing the case.

647 (b) To enhance the skills of individual staff members and  
648 to improve the region's and district's overall child protection  
649 system, the department's training program at the regional and  
650 district levels must include results of qualitative reviews of  
651 child protective investigation cases handled within the region  
652 or district in order to identify weaknesses as well as examples  
653 of effective interventions which occurred at each point in the  
654 case. For each report that meets one or more of the following  
655 criteria, the department shall perform an enhanced onsite child  
656 protective investigation:

657 1. Any allegation that involves physical abuse, sexual  
658 abuse, domestic violence, substance abuse or substance exposure,  
659 medical neglect, a child younger than 3 years of age, or a child  
660 who is disabled or lacks communication skills.

661 2. Any report that involves an individual who has been the  
662 subject of a prior report containing some indicators or verified  
663 findings of abuse, neglect, or abandonment.

664 3. Any report that does not contain compelling evidence  
665 that the maltreatment did not occur.

666 4. Any report that does not meet the criteria for an  
667 onsite child protective investigation as set forth in subsection  
668 (10).

669 (b) The enhanced onsite child protective investigation  
670 shall include, but is not limited to:

671 1. A face-to-face interview with the child, other  
672 siblings, parents or legal custodians or caregivers, and other



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673 ~~adults in the household;~~  
 674 ~~2. Collateral contacts;~~  
 675 ~~3. Contact with the reporter as required by rule;~~  
 676 ~~4. An onsite assessment of the child's residence in~~  
 677 ~~accordance with paragraph (10) (b); and~~  
 678 ~~5. An updated assessment.~~  
 679 (c) For all reports received, detailed documentation is  
 680 required for the investigative activities.  
 681 ~~(11)-(12)~~ The department shall incorporate into its quality  
 682 assurance program the monitoring of ~~the determination of reports~~  
 683 that receive a an-onsite child protective investigation to  
 684 determine the quality and timeliness of safety assessments,  
 685 engagements with families, teamwork with other experts and  
 686 professionals, and appropriate investigative activities that are  
 687 uniquely tailored to the safety factors associated with each  
 688 child and family ~~and those that receive an enhanced onsite child~~  
 689 ~~protective investigation.~~  
 690 ~~(12)-(13)~~ If the department or its agent is denied  
 691 reasonable access to a child by the parents, legal custodians,  
 692 or caregivers and the department deems that the best interests  
 693 of the child so require, it shall seek an appropriate court  
 694 order or other legal authority before ~~prior to~~ examining and  
 695 interviewing the child.  
 696 ~~(13)-(14)~~ Onsite visits and face-to-face interviews with  
 697 the child or family shall be unannounced unless it is determined  
 698 by the department or its agent or contract provider that such  
 699 unannounced visit would threaten the safety of the child.  
 700 ~~(14)-(15)~~(a) If the department or its agent determines that

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701 a child requires immediate or long-term protection through:

702 1. Medical or other health care; or

703 2. Homemaker care, day care, protective supervision, or  
704 other services to stabilize the home environment, including  
705 intensive family preservation services through the Intensive  
706 Crisis Counseling Program,

707

708 such services shall first be offered for voluntary acceptance  
709 unless there are high-risk factors that may impact the ability  
710 of the parents or legal custodians to exercise judgment. Such  
711 factors may include the parents' or legal custodians' young age  
712 or history of substance abuse or domestic violence.

713 (b) The parents or legal custodians shall be informed of  
714 the right to refuse services, as well as the responsibility of  
715 the department to protect the child regardless of the acceptance  
716 or refusal of services. If the services are refused, a  
717 collateral contact ~~required under subparagraph (11)(b)2.~~ shall  
718 include a relative, if the protective investigator has knowledge  
719 of and the ability to contact a relative. If the services are  
720 refused and the department deems that the child's need for  
721 protection so requires, the department shall take the child into  
722 protective custody or petition the court as provided in this  
723 chapter. At any time after the commencement of a protective  
724 investigation, a relative may submit in writing to the  
725 protective investigator or case manager a request to receive  
726 notification of all proceedings and hearings in accordance with  
727 s. 39.502. The request shall include the relative's name,  
728 address, and phone number and the relative's relationship to the

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729 child. The protective investigator or case manager shall forward  
730 such request to the attorney for the department. The failure to  
731 provide notice to either a relative who requests it pursuant to  
732 this subsection or to a relative who is providing out-of-home  
733 care for a child may ~~shall~~ not result in any previous action of  
734 the court at any stage or proceeding in dependency or  
735 termination of parental rights under any part of this chapter  
736 being set aside, reversed, modified, or in any way changed  
737 absent a finding by the court that a change is required in the  
738 child's best interests.

739 (c) The department, in consultation with the judiciary,  
740 shall adopt by rule criteria that are factors requiring that the  
741 department take the child into custody, petition the court as  
742 provided in this chapter, or, if the child is not taken into  
743 custody or a petition is not filed with the court, conduct an  
744 administrative review. If after an administrative review the  
745 department determines not to take the child into custody or  
746 petition the court, the department shall document the reason for  
747 its decision in writing and include it in the investigative  
748 file. For all cases that were accepted by the local law  
749 enforcement agency for criminal investigation pursuant to  
750 subsection (2), the department must include in the file written  
751 documentation that the administrative review included input from  
752 law enforcement. In addition, for all cases that must be  
753 referred to child protection teams pursuant to s. 39.303(2) and  
754 (3), the file must include written documentation that the  
755 administrative review included the results of the team's  
756 evaluation. Factors that must be included in the development of

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757 the rule include noncompliance with the case plan developed by  
758 the department, or its agent, and the family under this chapter  
759 and prior abuse reports with findings that involve the child or  
760 caregiver.

761 (15)~~(16)~~ When a child is taken into custody pursuant to  
762 this section, the authorized agent of the department shall  
763 request that the child's parent, caregiver, or legal custodian  
764 disclose the names, relationships, and addresses of all parents  
765 and prospective parents and all next of kin, so far as are  
766 known.

767 (16)~~(17)~~ The department shall complete its protective  
768 investigation within 60 days after receiving the initial report,  
769 unless:

770 (a) There is also an active, concurrent criminal  
771 investigation that is continuing beyond the 60-day period and  
772 the closure of the protective investigation may compromise  
773 successful criminal prosecution of the child abuse or neglect  
774 case, in which case the closure date shall coincide with the  
775 closure date of the criminal investigation and any resulting  
776 legal action.

777 (b) In child death cases, the final report of the medical  
778 examiner is necessary for the department to close its  
779 investigation and the report has not been received within the  
780 60-day period, in which case the report closure date shall be  
781 extended to accommodate the report.

782 (c) A child who is necessary to an investigation has been  
783 declared missing by the department, a law enforcement agency, or  
784 a court, in which case the 60-day period shall be extended until

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785 the child has been located or until sufficient information  
786 exists to close the investigation despite the unknown location  
787 of the child.

788 (17)~~(18)~~ Immediately upon learning during the course of an  
789 investigation that:

790 (a) The immediate safety or well-being of a child is  
791 endangered;

792 (b) The family is likely to flee;

793 (c) A child died as a result of abuse, abandonment, or  
794 neglect;

795 (d) A child is a victim of aggravated child abuse as  
796 defined in s. 827.03; or

797 (e) A child is a victim of sexual battery or of sexual  
798 abuse,

799  
800 the department shall ~~orally~~ notify the jurisdictionally  
801 responsible state attorney, and county sheriff's office or local  
802 police department, and, within 3 working days, transmit a full  
803 written report to those agencies. The law enforcement agency  
804 shall review the report and determine whether a criminal  
805 investigation needs to be conducted and shall assume lead  
806 responsibility for all criminal fact-finding activities. A  
807 criminal investigation shall be coordinated, whenever possible,  
808 with the child protective investigation of the department. Any  
809 interested person who has information regarding an offense  
810 described in this subsection may forward a statement to the  
811 state attorney as to whether prosecution is warranted and  
812 appropriate.

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813           ~~(18)-(19)~~ In a child protective investigation or a criminal  
814 investigation, when the initial interview with the child is  
815 conducted at school, the department or the law enforcement  
816 agency may allow, notwithstanding ~~the provisions of~~ s.  
817 39.0132(4), a school staff member who is known by the child to  
818 be present during the initial interview if:

819           (a) The department or law enforcement agency believes that  
820 the school staff member could enhance the success of the  
821 interview by his or her presence; and

822           (b) The child requests or consents to the presence of the  
823 school staff member at the interview.

824  
825 School staff may be present only when authorized by this  
826 subsection. Information received during the interview or from  
827 any other source regarding the alleged abuse or neglect of the  
828 child ~~is shall be~~ confidential and exempt from ~~the provisions of~~  
829 s. 119.07(1), except as otherwise provided by court order. A  
830 separate record of the investigation of the abuse, abandonment,  
831 or neglect ~~may shall~~ not be maintained by the school or school  
832 staff member. Violation of this subsection ~~is constitutes~~ a  
833 misdemeanor of the second degree, punishable as provided in s.  
834 775.082 or s. 775.083.

835           ~~(19)-(20)~~ When a law enforcement agency conducts a criminal  
836 investigation into allegations of child abuse, neglect, or  
837 abandonment, photographs documenting the abuse or neglect shall  
838 ~~will~~ be taken when appropriate.

839           ~~(20)-(21)~~ Within 15 days after the case is reported to him  
840 or her pursuant to this chapter, the state attorney shall report

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841 his or her findings to the department and shall include in such  
842 report a determination of whether or not prosecution is  
843 justified and appropriate in view of the circumstances of the  
844 specific case.

845 ~~(22) In order to enhance the skills of individual staff~~  
846 ~~and to improve the district's overall child protection system,~~  
847 ~~the department's training program at the district level must~~  
848 ~~include periodic reviews of cases handled within the district in~~  
849 ~~order to identify weaknesses as well as examples of effective~~  
850 ~~interventions that occurred at each point in the case.~~

851 (21) ~~(23)~~ When an investigation is closed and a person is  
852 not identified as a caregiver responsible for the abuse,  
853 neglect, or abandonment alleged in the report, the fact that the  
854 person is named in some capacity in the report may not be used  
855 in any way to adversely affect the interests of that person.  
856 This prohibition applies to any use of the information in  
857 employment screening, licensing, child placement, adoption, or  
858 any other decisions by a private adoption agency or a state  
859 agency or its contracted providers, except that a previous  
860 report may be used to determine whether a child is safe and what  
861 the known risk is to the child at any stage of a child  
862 protection proceeding.

863 (22) ~~(24)~~ If, after having been notified of the requirement  
864 to report a change in residence or location of the child to the  
865 protective investigator, a parent or legal custodian causes the  
866 child to move, or allows the child to be moved, to a different  
867 residence or location, or if the child leaves the residence on  
868 his or her own accord and the parent or legal custodian does not

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869 | notify the protective investigator of the move within 2 business  
870 | days, the child may be considered to be a missing child for the  
871 | purposes of filing a report with a law enforcement agency under  
872 | s. 937.021.

873 |       Section 7. Subsection (1) of section 39.302, Florida  
874 | Statutes, is amended to read:

875 |       39.302 Protective investigations of institutional child  
876 | abuse, abandonment, or neglect.—

877 |       (1) The department shall conduct a child protective  
878 | investigation of each report of institutional child abuse,  
879 | abandonment, or neglect. Upon receipt of a report that alleges  
880 | that an employee or agent of the department, or any other entity  
881 | or person covered by s. 39.01(33) or (47), acting in an official  
882 | capacity, has committed an act of child abuse, abandonment, or  
883 | neglect, the department shall initiate a child protective  
884 | investigation within the timeframe established under s.  
885 | 39.201(5) and ~~orally~~ notify the appropriate state attorney, law  
886 | enforcement agency, and licensing agency, which shall  
887 | immediately conduct a joint investigation, unless independent  
888 | investigations are more feasible. When conducting investigations  
889 | ~~onsite~~ or having face-to-face interviews with the child,  
890 | investigation visits shall be unannounced unless it is  
891 | determined by the department or its agent that unannounced  
892 | visits threaten the safety of the child. If a facility is exempt  
893 | from licensing, the department shall inform the owner or  
894 | operator of the facility of the report. Each agency conducting a  
895 | joint investigation is entitled to full access to the  
896 | information gathered by the department in the course of the



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897 investigation. A protective investigation must include an  
898 interview with the child's parent or legal guardian ~~an onsite~~  
899 ~~visit of the child's place of residence~~. The department shall  
900 make a full written report to the state attorney within 3  
901 working days after making the oral report. A criminal  
902 investigation shall be coordinated, whenever possible, with the  
903 child protective investigation of the department. Any interested  
904 person who has information regarding the offenses described in  
905 this subsection may forward a statement to the state attorney as  
906 to whether prosecution is warranted and appropriate. Within 15  
907 days after the completion of the investigation, the state  
908 attorney shall report the findings to the department and shall  
909 include in the report a determination of whether or not  
910 prosecution is justified and appropriate in view of the  
911 circumstances of the specific case.

912 Section 8. Subsection (2) of section 39.307, Florida  
913 Statutes, is amended to read:

914 39.307 Reports of child-on-child sexual abuse.—

915 (2) The department, contracted sheriff's office providing  
916 protective investigation services, or contracted case management  
917 personnel responsible for providing services ~~District staff~~, at  
918 a minimum, shall adhere to the following procedures:

919 (a) The purpose of the response to a report alleging  
920 juvenile sexual abuse behavior shall be explained to the  
921 caregiver.

922 1. The purpose of the response shall be explained in a  
923 manner consistent with legislative purpose and intent provided  
924 in this chapter.

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925           2. The name and office telephone number of the person  
926 responding shall be provided to the caregiver of the alleged  
927 juvenile sexual offender or child who has exhibited  
928 inappropriate sexual behavior and the victim's caregiver.

929           3. The possible consequences of the department's response,  
930 including outcomes and services, shall be explained to the  
931 caregiver of the alleged juvenile sexual offender or child who  
932 has exhibited inappropriate sexual behavior and the victim's  
933 caregiver.

934           (b) The caregiver of the alleged juvenile sexual offender  
935 or child who has exhibited inappropriate sexual behavior and the  
936 victim's caregiver shall be involved to the fullest extent  
937 possible in determining the nature of the sexual behavior  
938 concerns ~~allegation~~ and the nature of any problem or risk to  
939 other children.

940           (c) The assessment of risk and the perceived treatment  
941 needs of the alleged juvenile sexual offender or child who has  
942 exhibited inappropriate sexual behavior, the victim, and  
943 respective caregivers shall be conducted by the district staff,  
944 the child protection team of the Department of Health, and other  
945 providers under contract with the department to provide services  
946 to the caregiver of the alleged offender, the victim, and the  
947 victim's caregiver.

948           (d) The assessment shall be conducted in a manner that is  
949 sensitive to the social, economic, and cultural environment of  
950 the family.

951           (e) If necessary, the child protection team of the  
952 Department of Health shall conduct a physical examination of the

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953 | victim, which is sufficient to meet forensic requirements.

954 |       (f) Based on the information obtained from the alleged

955 | juvenile sexual offender or child who has exhibited

956 | inappropriate sexual behavior, his or her caregiver, the victim,

957 | and the victim's caregiver, an assessment of service and

958 | treatment needs ~~report~~ must be completed ~~within 7 days~~ and, if

959 | needed, a case plan developed within 30 days.

960 |       (g) The department shall classify the outcome of the

961 | report as follows:

962 |           1. Report closed. Services were not offered because the

963 | department determined that there was no basis for intervention.

964 |           2. Services accepted by alleged juvenile sexual offender.

965 | Services were offered to the alleged juvenile sexual offender or

966 | child who has exhibited inappropriate sexual behavior and

967 | accepted by the caregiver.

968 |           3. Report closed. Services were offered to the alleged

969 | juvenile sexual offender or child who has exhibited

970 | inappropriate sexual behavior, but were rejected by the

971 | caregiver.

972 |           4. Notification to law enforcement. The risk to the

973 | victim's safety and well-being cannot be reduced by the

974 | provision of services or the caregiver rejected services, and

975 | notification of the alleged delinquent act or violation of law

976 | to the appropriate law enforcement agency was initiated.

977 |           5. Services accepted by victim. Services were offered to

978 | the victim and accepted by the caregiver.

979 |           6. Report closed. Services were offered to the victim but

980 | were rejected by the caregiver.

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981 Section 9. Section 39.504, Florida Statutes, is amended to  
982 read:

983 39.504 Injunction pending disposition of petition;  
984 penalty.—

985 (1) At any time after a protective investigation has been  
986 initiated pursuant to part III of this chapter, the court, upon  
987 the request of the department, a law enforcement officer, the  
988 state attorney, or other responsible person, or upon its own  
989 motion, may, if there is reasonable cause, issue an injunction  
990 to prevent any act of child abuse. Reasonable cause for the  
991 issuance of an injunction exists if there is evidence of child  
992 abuse or if there is a reasonable likelihood of such abuse  
993 occurring based upon a recent overt act or failure to act.

994 (2) The petitioner seeking the injunction shall file a  
995 verified petition, or a petition along with an affidavit,  
996 setting forth the specific actions by the alleged offender from  
997 which the child must be protected and all remedies sought. Upon  
998 filing the petition, the court shall set a hearing to be held at  
999 the earliest possible time. Pending the hearing, the court may  
1000 issue a temporary ex parte injunction, with verified pleadings  
1001 or affidavits as evidence. The temporary ex parte injunction  
1002 pending a hearing is effective for up to 15 days and the hearing  
1003 must be held within that period unless continued for good cause  
1004 shown, which may include obtaining service of process, in which  
1005 case the temporary ex parte injunction shall be extended for the  
1006 continuance period. The hearing may be held sooner if the  
1007 alleged offender has received reasonable notice ~~shall be~~  
1008 ~~provided to the parties as set forth in the Florida Rules of~~

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1009 ~~Juvenile Procedure, unless the child is reported to be in~~  
 1010 ~~imminent danger, in which case the court may issue an injunction~~  
 1011 ~~immediately. A judge may issue an emergency injunction pursuant~~  
 1012 ~~to this section without notice if the court is closed for the~~  
 1013 ~~transaction of judicial business. If an immediate injunction is~~  
 1014 ~~issued, the court must hold a hearing on the next day of~~  
 1015 ~~judicial business to dissolve the injunction or to continue or~~  
 1016 ~~modify it in accordance with this section.~~

1017 (3) Before the hearing, the alleged offender must be  
 1018 personally served with a copy of the petition, all other  
 1019 pleadings related to the petition, a notice of hearing, and, if  
 1020 one has been entered, the temporary injunction. Following the  
 1021 hearing, the court may enter a final injunction. The court may  
 1022 grant a continuance of the hearing at any time for good cause  
 1023 shown by any party. If a temporary injunction has been entered,  
 1024 it shall be continued during the continuance.

1025 (4)~~(3)~~ If an injunction is issued under this section, the  
 1026 primary purpose of the injunction must be to protect and promote  
 1027 the best interests of the child, taking the preservation of the  
 1028 child's immediate family into consideration.

1029 (a) The injunction applies ~~shall apply~~ to the alleged or  
 1030 actual offender in a case of child abuse or acts of domestic  
 1031 violence. The conditions of the injunction shall be determined  
 1032 by the court, which ~~conditions~~ may include ordering the alleged  
 1033 or actual offender to:

- 1034 1. Refrain from further abuse or acts of domestic
- 1035 violence.
- 1036 2. Participate in a specialized treatment program.

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1037 3. Limit contact or communication with the child victim,  
1038 other children in the home, or any other child.

1039 4. Refrain from contacting the child at home, school,  
1040 work, or wherever the child may be found.

1041 5. Have limited or supervised visitation with the child.

1042 ~~6. Pay temporary support for the child or other family~~  
1043 ~~members; the costs of medical, psychiatric, and psychological~~  
1044 ~~treatment for the child incurred as a result of the offenses;~~  
1045 ~~and similar costs for other family members.~~

1046 ~~6.7.~~ Vacate the home in which the child resides.

1047 (b) Upon proper pleading, the court may award the  
1048 following relief in a temporary ex parte or final injunction ~~if~~  
1049 ~~the intent of the injunction is to protect the child from~~  
1050 ~~domestic violence, the conditions may also include:~~

1051 1. ~~Awarding the~~ Exclusive use and possession of the  
1052 dwelling to the caregiver or exclusion of ~~excluding~~ the alleged  
1053 or actual offender from the residence of the caregiver.

1054 ~~2. Awarding temporary custody of the child to the~~  
1055 ~~caregiver.~~

1056 ~~2.3.~~ Establishing Temporary support for the child or other  
1057 family members.

1058 3. The costs of medical, psychiatric, and psychological  
1059 treatment for the child incurred due to the abuse, and similar  
1060 costs for other family members.

1061  
1062 This paragraph does not preclude an ~~the~~ adult victim of domestic  
1063 violence from seeking protection for himself or herself under s.  
1064 741.30.

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1065 (c) The terms of the final injunction shall remain in  
1066 effect until modified or dissolved by the court. The petitioner,  
1067 respondent, or caregiver may move at any time to modify or  
1068 dissolve the injunction. Notice of hearing on the motion to  
1069 modify or dissolve the injunction must be provided to all  
1070 parties, including the department. The injunction is valid and  
1071 enforceable in all counties in the state.

1072 ~~(5)-(4)~~ Service of process on the respondent shall be  
1073 carried out pursuant to s. 741.30. The department shall deliver  
1074 a copy of any injunction issued pursuant to this section to the  
1075 protected party or to a parent, caregiver, or individual acting  
1076 in the place of a parent who is not the respondent. Law  
1077 enforcement officers may exercise their arrest powers as  
1078 provided in s. 901.15(6) to enforce the terms of the injunction.

1079 ~~(6)-(5)~~ Any person who fails to comply with an injunction  
1080 issued pursuant to this section commits a misdemeanor of the  
1081 first degree, punishable as provided in s. 775.082 or s.  
1082 775.083.

1083 (7) The person against whom an injunction is entered under  
1084 this section does not automatically become a party to a  
1085 subsequent dependency action concerning the same child.

1086 Section 10. Paragraph (r) of subsection (2) of section  
1087 39.521, Florida Statutes, is amended to read:

1088 39.521 Disposition hearings; powers of disposition.—

1089 (2) The predisposition study must provide the court with  
1090 the following documented information:

1091 (r) If the child has been removed from the home and will  
1092 be remaining with a relative, parent, or other adult approved by

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1093 the court, a home study report concerning the proposed placement  
1094 shall be included in the predisposition report. Before ~~Prior to~~  
1095 recommending to the court any out-of-home placement for a child  
1096 other than placement in a licensed shelter or foster home, the  
1097 department shall conduct a study of the home of the proposed  
1098 legal custodians, which must include, at a minimum:

1099 1. An interview with the proposed legal custodians to  
1100 assess their ongoing commitment and ability to care for the  
1101 child.

1102 2. Records checks through the State Automated Child  
1103 Welfare Information System (SACWIS) ~~Florida Abuse Hotline~~  
1104 ~~Information System (FAHIS)~~, and local and statewide criminal and  
1105 juvenile records checks through the Department of Law  
1106 Enforcement, on all household members 12 years of age or older.  
1107 In addition, the fingerprints of any household members who are  
1108 18 years of age or older may be submitted to the Department of  
1109 Law Enforcement for processing and forwarding to the Federal  
1110 Bureau of Investigation for state and national criminal history  
1111 information. The department has the discretion to request State  
1112 Automated Child Welfare Information System (SACWIS) and local,  
1113 statewide, and national criminal history checks and  
1114 fingerprinting of any other visitor to the home who is made  
1115 known to the department and any other persons made known to the  
1116 ~~department who are frequent visitors in the home.~~ Out-of-state  
1117 criminal records checks must be initiated for any individual  
1118 ~~designated above~~ who has resided in a state other than Florida  
1119 if provided that state's laws allow the release of these  
1120 records. The out-of-state criminal records must be filed with



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1121 the court within 5 days after receipt by the department or its  
1122 agent.

1123 3. An assessment of the physical environment of the home.

1124 4. A determination of the financial security of the  
1125 proposed legal custodians.

1126 5. A determination of suitable child care arrangements if  
1127 the proposed legal custodians are employed outside of the home.

1128 6. Documentation of counseling and information provided to  
1129 the proposed legal custodians regarding the dependency process  
1130 and possible outcomes.

1131 7. Documentation that information regarding support  
1132 services available in the community has been provided to the  
1133 proposed legal custodians.

1134  
1135 The department may ~~shall~~ not place the child or continue the  
1136 placement of the child in a home under shelter or  
1137 postdisposition placement if the results of the home study are  
1138 unfavorable, unless the court finds that this placement is in  
1139 the child's best interest.

1140  
1141 Any other relevant and material evidence, including other  
1142 written or oral reports, may be received by the court in its  
1143 effort to determine the action to be taken with regard to the  
1144 child and may be relied upon to the extent of its probative  
1145 value, even though not competent in an adjudicatory hearing.  
1146 Except as otherwise specifically provided, nothing in this  
1147 section prohibits the publication of proceedings in a hearing.

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1148 Section 11. Subsection (2) and paragraph (b) of subsection  
1149 (4) of section 39.6011, Florida Statutes, are amended to read:

1150 39.6011 Case plan development.—

1151 (2) The case plan must be written simply and clearly in  
1152 English and, if English is not the principal language of the  
1153 child's parent, to the extent possible in the parent's principal  
1154 language. Each case plan must contain:

1155 (a) A description of the identified problem being  
1156 addressed, including the parent's behavior or acts resulting in  
1157 risk to the child and the reason for the intervention by the  
1158 department.

1159 (b) The permanency goal.

1160 (c) If concurrent planning is being used, a description of  
1161 the permanency goal of reunification with the parent or legal  
1162 custodian in addition to a description of one of the remaining  
1163 permanency goals described in s. 39.01.

1164 1. If a child has not been removed from a parent, but is  
1165 found to be dependent, even if adjudication of dependency is  
1166 withheld, the court may leave the child in the current placement  
1167 with maintaining and strengthening the placement as a permanency  
1168 option.

1169 2. If a child has been removed from a parent and is placed  
1170 with a parent from whom the child was not removed, the court may  
1171 leave the child in the placement with the parent from whom the  
1172 child was not removed with maintaining and strengthening the  
1173 placement as a permanency option.

1174 3. If a child has been removed from a parent and is  
1175 subsequently reunified with that parent, the court may leave the

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1176 child with that parent with maintaining and strengthening the  
1177 placement as a permanency option.

1178 (d) The date the compliance period expires. The case plan  
1179 must be limited to as short a period as possible for  
1180 accomplishing its provisions. The plan's compliance period  
1181 expires no later than 12 months after the date the child was  
1182 initially removed from the home, the child was adjudicated  
1183 dependent, or the date the case plan was accepted by the court,  
1184 whichever occurs first ~~sooner~~.

1185 (e) A written notice to the parent that failure of the  
1186 parent to substantially comply with the case plan may result in  
1187 the termination of parental rights, and that a material breach  
1188 of the case plan may result in the filing of a petition for  
1189 termination of parental rights sooner than the compliance period  
1190 set forth in the case plan.

1191 (4) The case plan must describe:

1192 (b) The responsibility of the case manager to forward a  
1193 relative's request to receive notification of all proceedings  
1194 and hearings submitted pursuant to s. 39.301(14)(b)  
1195 ~~39.301(15)(b)~~ to the attorney for the department;

1196 Section 12. Subsection (1) of section 39.621, Florida  
1197 Statutes, is amended to read:

1198 39.621 Permanency determination by the court.—

1199 (1) Time is of the essence for permanency of children in  
1200 the dependency system. A permanency hearing must be held no  
1201 later than 12 months after the date the child was removed from  
1202 the home or within ~~no later than~~ 30 days after a court  
1203 determines that reasonable efforts to return a child to either

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1204 parent are not required, whichever occurs first. The purpose of  
1205 the permanency hearing is to determine when the child will  
1206 achieve the permanency goal or whether modifying the current  
1207 goal is in the best interest of the child. A permanency hearing  
1208 must be held at least every 12 months for any child who  
1209 continues to be supervised by ~~receive supervision from~~ the  
1210 department or awaits adoption.

1211 Section 13. Paragraph (b) of subsection (3), subsection  
1212 (6), and paragraph (e) of subsection (10) of section 39.701,  
1213 Florida Statutes, are amended to read:

1214 39.701 Judicial review.—

1215 (3)

1216 (b) If the citizen review panel recommends extending the  
1217 goal of reunification for any case plan beyond 12 months from  
1218 the date the child was removed from the home, ~~or~~ the case plan  
1219 was adopted, or the child was adjudicated dependent, whichever  
1220 date came first, the court must schedule a judicial review  
1221 hearing to be conducted by the court within 30 days after  
1222 receiving the recommendation from the citizen review panel.

1223 (6) The attorney for the department shall notify a  
1224 relative who submits a request for notification of all  
1225 proceedings and hearings pursuant to s. 39.301(14)(b)  
1226 ~~39.301(15)(b)~~. The notice shall include the date, time, and  
1227 location of the next judicial review hearing.

1228 (10)

1229 (e) Within ~~No later than~~ 6 months after the date that the  
1230 child was placed in shelter care, the court shall conduct a  
1231 judicial review hearing to review the child's permanency goal as

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1232 identified in the case plan. At the hearing the court shall make  
 1233 findings regarding the likelihood of the child's reunification  
 1234 with the parent or legal custodian within 12 months after the  
 1235 removal of the child from the home. ~~If, at this hearing,~~ the  
 1236 court makes a written finding that it is not likely that the  
 1237 child will be reunified with the parent or legal custodian  
 1238 within 12 months after the child was removed from the home, the  
 1239 department must file with the court, and serve on all parties, a  
 1240 motion to amend the case plan under s. 39.6013 and declare that  
 1241 it will use concurrent planning for the case plan. The  
 1242 department must file the motion within ~~no later than~~ 10 business  
 1243 days after receiving the written finding of the court. The  
 1244 department must attach the proposed amended case plan to the  
 1245 motion. If concurrent planning is already being used, the case  
 1246 plan must document the efforts the department is taking to  
 1247 complete the concurrent goal.

1248 Section 14. Paragraph (a) of subsection (1) of section  
 1249 39.8055, Florida Statutes, is amended to read:

1250 39.8055 Requirement to file a petition to terminate  
 1251 parental rights; exceptions.—

1252 (1) The department shall file a petition to terminate  
 1253 parental rights within 60 days after any of the following if:

1254 (a) ~~The~~ At the time of the 12-month judicial review  
 1255 ~~hearing,~~ a child is not returned to the physical custody of the  
 1256 parents 12 months after the child was sheltered or adjudicated  
 1257 dependent, whichever occurs first;

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1258 Section 15. Paragraphs (d), (e), and (k) of subsection (1)  
1259 and subsection (2) of section 39.806, Florida Statutes, are  
1260 amended to read:

1261 39.806 Grounds for termination of parental rights.—

1262 (1) Grounds for the termination of parental rights may be  
1263 established under any of the following circumstances:

1264 (d) When the parent of a child is incarcerated ~~in a state~~  
1265 ~~or federal correctional institution~~ and either:

1266 1. The period of time for which the parent is expected to  
1267 be incarcerated will constitute a significant ~~substantial~~  
1268 portion of the child's minority. When determining whether the  
1269 period of time is significant, the court shall consider the  
1270 child's age and the child's need for a permanent and stable  
1271 home. The period of time begins on the date that the parent  
1272 enters into incarceration ~~period of time before the child will~~  
1273 ~~attain the age of 18 years;~~

1274 2. The incarcerated parent has been determined by the  
1275 court to be a violent career criminal as defined in s. 775.084,  
1276 a habitual violent felony offender as defined in s. 775.084, or  
1277 a sexual predator as defined in s. 775.21; has been convicted of  
1278 first degree or second degree murder in violation of s. 782.04  
1279 or a sexual battery that constitutes a capital, life, or first  
1280 degree felony violation of s. 794.011; or has been convicted of  
1281 an offense in another jurisdiction which is substantially  
1282 similar to one of the offenses listed in this paragraph. As used  
1283 in this section, the term "substantially similar offense" means  
1284 any offense that is substantially similar in elements and  
1285 penalties to one of those listed in this subparagraph, and that

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1286 is in violation of a law of any other jurisdiction, whether that  
1287 of another state, the District of Columbia, the United States or  
1288 any possession or territory thereof, or any foreign  
1289 jurisdiction; or

1290 3. The court determines by clear and convincing evidence  
1291 that continuing the parental relationship with the incarcerated  
1292 parent would be harmful to the child and, for this reason, that  
1293 termination of the parental rights of the incarcerated parent is  
1294 in the best interest of the child. When determining harm, the  
1295 court shall consider the following factors:

1296 a. The age of the child.

1297 b. The relationship between the child and the parent.

1298 c. The nature of the parent's current and past provision  
1299 for the child's developmental, cognitive, psychological, and  
1300 physical needs.

1301 d. The parent's history of criminal behavior, which may  
1302 include the frequency of incarceration and the unavailability of  
1303 the parent to the child due to incarceration.

1304 e. Any other factor the court deems relevant.

1305 (e) When a child has been adjudicated dependent, a case  
1306 plan has been filed with the court, and:

1307 1. The child continues to be abused, neglected, or  
1308 abandoned by the parent or parents. The failure of the parent or  
1309 parents to substantially comply with the case plan for a period  
1310 of 12 ~~9~~ months after an adjudication of the child as a dependent  
1311 child or the child's placement into shelter care, whichever  
1312 occurs first, constitutes evidence of continuing abuse, neglect,  
1313 or abandonment unless the failure to substantially comply with

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1314 the case plan was due to the parent's lack of financial  
 1315 resources or to the failure of the department to make reasonable  
 1316 efforts to reunify the parent and child. The 12-month ~~9-month~~  
 1317 period begins to run only after the child's placement into  
 1318 shelter care or the entry of a disposition order placing the  
 1319 custody of the child with the department or a person other than  
 1320 the parent and the court's approval of a case plan having the  
 1321 goal of reunification with the parent, whichever occurs first;  
 1322 or

1323 2. The parent or parents have materially breached the case  
 1324 plan. Time is of the essence for permanency of children in the  
 1325 dependency system. In order to prove the parent or parents have  
 1326 materially breached the case plan, the court must find by clear  
 1327 and convincing evidence that the parent or parents are unlikely  
 1328 or unable to substantially comply with the case plan before time  
 1329 to comply with the case plan expires.

1330 (k) A test administered at birth that indicated that the  
 1331 child's blood, urine, or meconium contained any amount of  
 1332 alcohol or a controlled substance or metabolites of such  
 1333 substances, the presence of which was not the result of medical  
 1334 treatment administered to the mother or the newborn infant, and  
 1335 the biological mother of the child is the biological mother of  
 1336 at least one other child who was adjudicated dependent after a  
 1337 finding of harm to the child's health or welfare due to exposure  
 1338 to a controlled substance or alcohol as defined in s.  
 1339 39.01(32)(g), after which the biological mother had the  
 1340 opportunity to participate in substance abuse treatment.

1341 (2) Reasonable efforts to preserve and reunify families



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1342 are not required if a court of competent jurisdiction has  
1343 determined that any of the events described in paragraphs  
1344 (1) (b) - (d) or (f) - (1) ~~(1) (e) - (1)~~ have occurred.

1345 Section 16. Paragraph (c) of subsection (3) of section  
1346 402.56, Florida Statutes, is amended to read:

1347 402.56 Children's cabinet; organization; responsibilities;  
1348 annual report.—

1349 (3) ORGANIZATION.—There is created the Children and Youth  
1350 Cabinet, which is a coordinating council as defined in s. 20.03.

1351 (c) ~~The cabinet shall meet for its organizational session~~  
1352 ~~no later than October 1, 2007. Thereafter,~~ The cabinet shall  
1353 meet at least four ~~six~~ times each year, but no more than six  
1354 times each year, in different regions of the state in order to  
1355 solicit input from the public and any other individual offering  
1356 testimony relevant to the issues considered. Each meeting must  
1357 include a public comment session.

1358 Section 17. Subsections (1) and (19) of section 39.502,  
1359 Florida Statutes, are amended to read:

1360 39.502 Notice, process, and service.—

1361 (1) Unless parental rights have been terminated, all  
1362 parents must be notified of all proceedings or hearings  
1363 involving the child. Notice in cases involving shelter hearings  
1364 and hearings resulting from medical emergencies must be that  
1365 most likely to result in actual notice to the parents. In all  
1366 other dependency proceedings, notice must be provided in  
1367 accordance with subsections (4)-(9), except when a relative  
1368 requests notification pursuant to s. 39.301(14) (b)  
1369 ~~39.301(15) (b)~~, in which case notice shall be provided pursuant

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1370 to subsection (19).

1371 (19) In all proceedings and hearings under this chapter,  
1372 the attorney for the department shall notify, orally or in  
1373 writing, a relative requesting notification pursuant to s.  
1374 39.301(14)(b) ~~39.301(15)(b)~~ of the date, time, and location of  
1375 such proceedings and hearings, and notify the relative that he  
1376 or she has the right to attend all subsequent proceedings and  
1377 hearings, to submit reports to the court, and to speak to the  
1378 court regarding the child, if the relative so desires. The court  
1379 has the discretion to release the attorney for the department  
1380 from notifying a relative who requested notification pursuant to  
1381 s. 39.301(14)(b) ~~39.301(15)(b)~~ if the relative's involvement is  
1382 determined to be impeding the dependency process or detrimental  
1383 to the child's well-being.

1384 Section 18. Section 39.823, Florida Statutes, is amended  
1385 to read:

1386 39.823 Guardian advocates for drug dependent newborns.—The  
1387 Legislature finds that increasing numbers of drug dependent  
1388 children are born in this state. Because of the parents'  
1389 continued dependence upon drugs, the parents may temporarily  
1390 leave their child with a relative or other adult or may have  
1391 agreed to voluntary family services under s. 39.301(14)  
1392 ~~39.301(15)~~. The relative or other adult may be left with a child  
1393 who is likely to require medical treatment but for whom they are  
1394 unable to obtain medical treatment. The purpose of this section  
1395 is to provide an expeditious method for such relatives or other  
1396 responsible adults to obtain a court order which allows them to  
1397 provide consent for medical treatment and otherwise advocate for

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1398 | the needs of the child and to provide court review of such  
1399 | authorization.

1400 |       Section 19. Paragraph (a) of subsection (1) of section  
1401 | 39.828, Florida Statutes, is amended to read:

1402 |       39.828 Grounds for appointment of a guardian advocate.—

1403 |       (1) The court shall appoint the person named in the  
1404 | petition as a guardian advocate with all the powers and duties  
1405 | specified in s. 39.829 for an initial term of 1 year upon a  
1406 | finding that:

1407 |       (a) The child named in the petition is or was a drug  
1408 | dependent newborn as described in s. 39.01~~(32)~~~~(g)~~;

1409 |       Section 20. This act shall take effect July 1, 2012.